

# City of Bethlehem

## Subdivision and Land

# Development Ordinance

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Part Thirteen, Title Three of the Codified Ordinances of the City of Bethlehem.

Lehigh and Northampton Counties, Pennsylvania

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# **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

## **FOREWORD**

The decision to convert open land to a different use is a step that should receive utmost consideration. Our land is limited; therefore, it is something which we must preserve and use wisely.

When the decision is made to build a home, a street, a school, or a manufacturing facility, it must be realized that an indelible mark is placed on the land and a pattern of growth is started. How well these patterns tie together determines whether the City will reap the problems or advantages of such development. Although the actual transaction in the sale of land is a private matter, the results are a vital concern to the whole community.

In adopting and administering these regulations, the primary purpose is to encourage the best possible development.

Anyone who contemplates subdividing land in the City of Bethlehem needs to become familiar with these regulations. They are designed to achieve equal treatment for all and to provide clear-cut procedures for the preparation, submission, and approval of subdivision and/or development plans.

It is the function of the Department of Community and Economic Development to confer, advise, and cooperate with the applicant, but not to do the work of preparing the plans. Best products will result when the applicant retains a qualified plan preparer to prepare the subdivision or development plan.

All subdivision and land development plans are submitted to the Planning and Zoning Bureau. Major plans generally need approval by the City Planning Commission, while minor plans are generally approved by the City Staff.

**ARTICLE 1341**  
**Enactment and General Provisions**

- 1341.01. TITLE. A Subdivision and Land Development Ordinance of the City of Bethlehem, Lehigh and Northampton Counties, Pennsylvania providing for: the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots, or replots of land laid out in building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on streets and improvements; financial security requirements for improvements; the administration of this Ordinance by the City of Bethlehem Planning and Zoning Bureau, penalties for the violation of this Ordinance, and the repeal of the existing subdivision and land development regulations.
- 1341.02. SHORT TITLE. This Ordinance shall be known and may be cited as "The City of Bethlehem Subdivision and Land Development Ordinance" of 2025. This Ordinance shall serve as Part Thirteen, Title Three of the Codified Ordinances of the City of Bethlehem.
- 1341.03. PURPOSES. The purpose of these regulations is to create conditions favorable to the health, safety, and general welfare of the citizens by assisting in the orderly and efficient integration of subdivisions; Ensuring conformance of subdivision plans with the public improvements plans of the City; Ensuring sites are suitable for building purposes and human habitation; Facilitating the efficient movement of traffic and avoiding traffic hazards and congestion; Securing equitable handling of all subdivision and land development plans by providing uniform procedures and standards; Improving land records by establishing standards for surveys and plans; Safeguarding the interests of the public, the homeowner, the subdivider, the land developer and the municipality; Preserving natural and historic features; and Carrying out the goals and objectives of the Comprehensive Plan and the Pennsylvania Municipalities Planning Code (MPC).
- 1341.04. APPLICABILITY.
- A. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer main, water main or other improvements required in connection with a proposed subdivision or land development shall be constructed, opened or dedicated for use by the public or the occupants of the proposed subdivision or land development, and no building that first needs land development approval shall be constructed, except in accordance with this Ordinance.
  - B. A lot or parcel that does not already exist in the size, shape, and dimensions described in a current deed recorded in the office of Recorder of Deeds for the county in which the land is located prior to adoption of this Ordinance shall not be created, sold or transferred, and no land development may occur on a lot or parcel unless and until:
    - 1. the subdivision and/or land development, as applicable, has been granted preliminary/final plan approval and such plan shall have been recorded in the office of recorder of deeds for the county in which the land is located; and

2. either of the following occurs, as provided in Section 1347.01:
  - a. the City has been assured by means of a developer's agreement and guarantees acceptable to the City of Bethlehem that the improvements will subsequently be installed, or
  - b. the required improvements in connection therewith have been entirely completed in accordance with the requirements of this Ordinance.
- C. Landowner. No subdivision or land development shall be submitted to the City for review except with the permission of the landowner of such land or his/her specifically authorized agent (see definition of "landowner" in Article 1342, which includes equitable owner).
- D. City and State Regulations. All subdivisions and land developments shall comply with the City Zoning Ordinance and other relevant City codes and ordinances. All subdivisions and land developments are conditioned upon compliance with State regulations.

1341.05. REVISIONS TO CITY REGULATIONS: DEADLINE TO INITIATE IMPROVEMENTS.

- A. Revisions to City Ordinances and Regulations After Submittal of an Application. Revisions to City ordinances and regulations made after the submittal of an application shall apply to every application for subdivision or land development unless the 5-year protection period set forth in Section 508(4) of the MPC or 1343.04 of this Ordinance applies.
- B. Deadline. Where a subdivision or land development has been approved and requires improvements in order to meet the requirements of the applicable provisions of this Ordinance, and the construction of any of the those improvements has not been initiated within 10 years after the date of preliminary/final plan approval, conditional or otherwise, then the subdivision or land development approval shall be considered null and void, unless the applicant has received a written time extension from the Planning Commission for good cause or already possesses a City-approved phasing plan that specifies a longer time period for construction. Nothing in this subsection 1341.05.B shall be interpreted to extend the 5-year protection period set forth in Section 508(4) of the MPC or 1343.04 of this Ordinance.

1341.06. INTERPRETATION.

- A. Standards.
  1. The provisions of this Ordinance shall be interpreted and applied as minimum requirements for the promotion of the public health, safety, convenience and general welfare.
  2. Where provisions, standards, and specifications of this Ordinance conflict with those of any State statute, other ordinances or regulations, the more

restrictive requirement shall apply, regardless of its source, unless specified to the contrary.

- B. Illustrations. The illustrations in this Ordinance are for general illustrative purposes, and are not part of the regulations of this Ordinance.

1341.07. MODIFICATIONS, WAIVERS AND DEFERRALS.

- A. An applicant seeking a modification, waiver or deferral of this Ordinance, or any part thereof, shall submit to the City Staff a request in writing that states: (a) the specific Ordinance section(s) involved and (b) the reasons for the request. The burden is on the applicant to prove entitlement to such relief. Upon receipt, City staff shall review and forward the request to the Planning Commission for its consideration, along with any recommendation or comments deemed appropriate by the City staff. After the Planning Commission has had an opportunity for review at a public meeting, the Planning Commission may in writing grant a waiver, modification or deferral of the specific requirements of this Ordinance. (Note – Issues involving Zoning Ordinance requirements need to be decided by the Zoning Hearing Board, unless specifically provided otherwise by the Zoning Ordinance.)
1. Standard for Waiver. A waiver involves the Planning Commission removing a specific requirement of this Ordinance pursuant to Sections 503(8) and 512.1 of the MPC as it pertains to a specific application. An applicant may request a waiver from the minimum standards established by this Ordinance by proving to the satisfaction of the Planning Commission that literal compliance with mandatory provisions of this Ordinance is shown: (i) to be unreasonable, (ii) to cause undue hardship, which is not self-created, because of peculiar conditions pertaining to the land in question; and (iii) the waiver will not be contrary to the public interest nor contrary to the purpose and intent of this Ordinance. The following waiver may be decided by the Director of Planning and Zoning:
    - a. The waiver request seeks relief of a non-substantive nature, such as specified information submission requirements otherwise applicable to a particular application, such as reducing the number of copies of plans required, using alternative paper sizes, review or approvals of storm water calculations.
  2. Standard for Modification. A modification involves the Planning Commission approving a specific alternative standard instead of those standards set forth in this Ordinance pursuant to Sections 503(8) and 512.1 of the MPC as it pertains to a specific application. An applicant may request a modification from the minimum standards established by this Ordinance by proving to the satisfaction of the Planning Commission that (i) the literal enforcement of this Ordinance will exact undue hardship (which is not self-created) upon the applicant because of peculiar conditions pertaining to the land in question; (ii) a specific alternative standard proposed by the applicant will provide equal or better results than the minimum standard set forth in this Ordinance, and (iii) the modification will not be contrary to the public interest nor contrary to the purpose and intent of this Ordinance.

Examples of acceptable modifications which result in a higher quality site design that is more pedestrian-friendly, encourages lower speed traffic on residential streets, and/or promotes traditional patterns of development include:

- a. Reduction in the minimum horizontal curve radius of streets to promote lower-speed traffic.
  - b. Variations in the design of cul-de-sac street ends.
  - c. Reduction of street cartway widths and provisions for alleys to provide rear access to properties, considering the expected traffic volumes, on-street parking and traffic speeds.
  - d. Variations in landscaping and buffer yard requirements that still achieve a similar effect to what would otherwise be required.
  - e. Allowance of shared driveways where necessary to minimize impacts upon natural resources and manage traffic access onto through-streets.
  - f. Alternatives that reduce impervious coverage.
  - g. Alternatives that encourage or increase energy conservation and savings.
  - h. Alternatives that meet the goals and objectives of the Climate Action Plan (CAP).
3. Standard for Deferral. A deferral does not change the requirements of this Ordinance but only allows, upon reasonable cause shown to the satisfaction of the Planning Commission, a delay in the construction of an improvement required by this Ordinance, such as: (a) to a specified date in the future; or (b) upon the occurrence of an event, such as when a street may be scheduled for reconstruction, or a traffic signal may be warranted. A deferral shall not be granted if it would cause a hazard to public health or safety.
  4. The Planning Commission may place reasonable conditions upon the granting of any waiver, modification or deferral.
  5. The approval of a waiver, modification or deferral, and the main reasons for its approval, shall be stated in the minutes of the Planning Commission. If a waiver, modification, or deferral is approved, the applicant shall set forth the terms of the waiver and date of such approval on the record plan.

1341.08. FEES; INCOMPLETE FILINGS

- A. The City Council has established a schedule of fees, requirements for traffic escrow accounts, and a collection procedure for all applications and other matters pertaining to this Ordinance. The applicant shall also pay the reasonable charges of the City's consulting and staff professionals for review of the proposed project and for related preparation of reports and meeting time.

1. A traffic escrow account shall be funded by the applicant at the time of submittal of a preliminary/final plan. A plan submittal shall not be considered to be complete until all fees have been paid and the escrow account has been funded. Expenses of the City's professionals that are directly related to the review of the applicant's project shall be paid from the escrow account. The City shall require that the escrow account be replenished by the applicant if it is in danger of becoming depleted. Any unused funds shall be returned to the applicant. A plan shall not be approved for recording if such costs remain unpaid.
  2. The applicant shall also pay the anticipated costs of the City's professionals to oversee the system of financial security of improvements and for inspections. (Note - Such costs are typically addressed in a developer's agreement after final approval.)
  3. The schedule of fees may be amended by resolution of the City Council.
- B. The applicant is also required to pay any review fees and/or permits required by the LVPC, utility providers and the Conservation District, as well as any other applicable agencies.
- C. The City may reject incomplete plans. Plans shall not be considered complete or filed until the City receives all of the items required by 1345 (relating to major subdivisions and major land developments) or 1346 (relating to minor subdivisions, minor land developments, lot line adjustments, minor corrections and minor revisions to a previously approved plan, and mergers or consolidations of lots (also referred to as reverse subdivisions)).
- D. Fee Disputes. Sections 503 and 510 of the MPC shall apply.

1341.09.

REVISED PLANS, ALTERNATE PLANS, AND RESUBDIVISIONS.

- A. Alternate Plans. Only one preliminary/final plan concerning any lot, parcel, or tract shall be submitted to and pending before the City as part of an official approval process at any time, unless specifically allowed in advance by the Planning Commission. A violation of this requirement shall be grounds for the earlier filed plan to be denied regardless of whether the prior plan was conditionally approved or not. Nothing in this subsection 1341.09.A shall prevent an applicant from filing and/or having one or more sketch plans under Article 1344 pending simultaneously with an application for approval under Article 1345 or Article 1346 of this Ordinance, or another sketch plan application.
- B. Revisions to Pending or Approved Plans.
1. Revision to pending plans.
    - a. Applicant-initiated revisions. For revisions initiated by an applicant which are not required by the City, an applicant may submit a revised plan prior to plan approval, conditional or otherwise, in which case the applicable review timeline shall be restarted and apply to the revised plan. Nothing in this subsection 1341.09.B.1.a shall be interpreted to extend the 5-year protection period set forth in Section

508(4) of the MPC or 1343.04 of this Ordinance applicable to the prior pending plan and all laws, Ordinances and regulation enacted or which became effective prior to the filing of the applicant-initiated revision shall apply to such applicant-initiated revision.

- b. Compliance-oriented revisions. Subject to Section 508(4) of the MPC, an applicant may submit a revised plan prior to plan approval for the sole purpose of complying with the recommendations of City Staff or requirements of the Planning Commission. In such case the revised plan shall be deemed an amendment of the previously pending submission, provided the revised plan shall be accompanied at the time of submission by a letter from the applicant listing City review comments and describing whether, and what extent, the comments have been addressed and/or are proposed to be acceptable conditions of approval. Thereafter, the plan may continue to be processed through Final Approval, subject to the requirements of this Ordinance.
- c. Mixed purposes revisions. For revisions to plans which are pending but have not yet received conditional approval, but contain a mixture of revisions initiated by an applicant which are not required by the City and revisions made for the purpose of complying with the recommendations of City Staff or requirements of the Planning Commission, an applicant may submit such proposed revision, along with a comprehensive narrative describing the revisions, to City Staff. Upon receipt, the City Planning Director or his/her designee shall evaluate and determine whether the applicant-initiated revisions are substantial or not.
  - i. If the Planning Director or designee determines that the applicant-initiated revisions are substantially different from a previously submitted plan, then a complete new submittal shall be required that shall comply with all current City Ordinances, and subject to the applicable review procedures under this Ordinance. In such instance, nothing in this subsection 1341.09.B.1.c shall be interpreted to extend the 5-year protection period set forth in Section 508(4) of the MPC or 1343.04 of this Ordinance applicable to the prior pending plan.
  - ii. If the Planning Director or designee determines otherwise, then the plan may continue to be processed through Final Approval, subject to the requirements of this Ordinance. In such instance, the 5-year protection period set forth in Section 508(4) of the MPC or 1343.04 of this Ordinance applicable to the prior pending plan shall continue in place and relieve the applicant from any obligation to make a complete new submittal which complies with all current City Ordinances.
  - iii. The determination(s) of the Planning Director or designee under subsections 1341.09.B.1.c.i or 1341.09.B.1.c.ii shall be

subject to review by the Planning Commission at its next meeting if the applicant submits a request for such review within 10 business days from the date the written determination of the Planning Director is mailed to the applicant.

2. Revision to approved plans. Subject to Section 508(4) of the MPC, an applicant may submit a revised plan after prior plan approval, conditional or otherwise, provided a comprehensive narrative describing the revision accompanies the proposed plan revision. Upon receipt, the City Planning Director or his/her designee shall evaluate and determine whether the proposed revision to an approved plan is a substantial revision or not. If the Planning Director or designee determines that a submittal is substantially different from a previously approved plan, then a complete new submittal shall be required that shall comply with all current City Ordinances, and subject to the applicable review procedures under this Ordinance. This determination of the Planning Director shall be subject to review by the Planning Commission at its next meeting if the applicant submits a request for such review within 10 business days after the written determination of the Planning Director is mailed to the applicant. Alternatively, if the Planning Director or designee determines that the revision is limited to rectifying erroneous data, minor omissions, or engineering details or approving supporting documentation, then such revision to an approved plan shall not be considered substantial and the plan may be submitted and approved under the simplified requirements and procedures of Section 1346.04. Upon receipt of a proposed revision to an approved plan, the City may require the applicant to submit additional amounts into an escrow account or other fees if needed based upon the City's expenditures on the review up to that time.
3. A completed check list is only required to be submitted with the first complete Preliminary/Final Plan submission, and is not needed for later revisions.

1341.10. CITY RECORDS. The City Staff shall keep accurate written records of all actions by the City Planning Commission and Planning Bureau involving the administration of this Ordinance. Such records shall be open for public review under the Pennsylvania Right to Know Law.

1341.11. APPEALS TO COURTS. Decisions under this Ordinance may be appealed in accordance with the MPC, as amended.

1341.12. ENFORCEMENT.

- A. Enforcement Staff. The Planning Director and his/her designees shall have the primary responsibility to administer and enforce this Ordinance, with the assistance of the City Law Bureau. The staff of the Department of Public Works shall also have the authority to enforce the improvement requirements of this Ordinance.
- B. Inspection. Any premises subject to this Ordinance is subject to on-site inspection by the City Staff or their authorized representatives or consultants to ensure compliance with this Ordinance, other City Ordinances, and the approved plans.

- C. Remedies. If action occurs inconsistent with the provisions of this Ordinance, the Planning Director or his/her authorized representatives may take any action authorized by Sections 515.1, 515.2 and 515.3 of the MPC and/or any other applicable law.

1341.13. PENALTIES.

- A. Any person, partnership or corporation who or which has violated any provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City Law Bureau, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the City as a result thereof, unless a higher penalty is established under State law. This shall include, but not be limited to, any person, partnership or corporation that accomplishes any act listed under Section 1341.04 "Applicability" without following the applicable procedures of this Ordinance.
- B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- C. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. Imprisonment shall not be authorized as a penalty under this Ordinance.
- D. See also the "Remedies" provisions of Section 1341.13.C. of this Ordinance. All fines collected for such violations shall be paid over to the City.

- 1341.14. LIABILITY. Nothing in this Ordinance or actions taken by any City official, employee or agent in furtherance of, or pursuant or incidental to the provisions of this Ordinance shall be construed to waive any privilege, right or immunity arising out of any applicable governmental, official, or employee immunity laws. In addition, no approval or the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion and sedimentation control review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant or agency of the City, shall constitute a representation, guarantee or warranty of any kind by the City or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any City body, consultant, official or employee for any damage that may result pursuant thereto.

## **ARTICLE 1342**

### **Definitions**

#### 1342.01. GENERAL INTERPRETATION.

- A. For the purposes of this Ordinance, words and terms used herein shall be interpreted as listed in Section 1342 of this Ordinance.
- B. If a word is not defined by this Ordinance, but is defined by the Municipalities Planning Code, or “MPC”, then the MPC definition shall apply to this Ordinance. If a word is not defined by this Ordinance or by the MPC, but is defined by the City’s Zoning Ordinance as amended, then the Zoning Ordinance definition shall apply to this Ordinance. If a word is not defined by this Ordinance, the MPC or the Zoning Ordinance, but is defined by a City-enacted Stormwater Management Ordinance (SWMO), then the SWMO definition shall apply to this Ordinance.
- C. The word "includes" shall mean to specifically include an item but not necessarily be limited to such items.
- D. Any word or term not defined in this Article or the Zoning Ordinance has a meaning of standard usage as determined by the Planning Director, within the context of the word's use within the applicable Section of this Ordinance. A standard reference dictionary should be consulted.

#### 1342.02. DEFINITIONS.

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abutting Lots. Two lots that are directly contiguous and/or are only separated from each other by a railroad or a creek.

Access Drive. A type of private vehicular accessway providing access from a lot which does not have frontage on a public or approved private street. This term shall not include a “driveway” or a “street.”

Adjacent Lots. Two lots that are abutting or that are only separated by a street.

Alley. A public or private right-of-way having a right-of-way width of twenty (20) feet or less, which affords a means of access to the rear or side of an abutting lot and is not intended for general traffic circulation.

Applicant. A landowner or developer, as defined in this Section, who has filed an application for development including his/her heirs, successors, and assigns.

Average Daily Traffic Volume. The total number of motor vehicles traveling on a street during an average weekday, other than a Friday, Saturday or Sunday.

Block. An area of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the City or by any combination of the above.

Building. A structure constructed or erected on the ground, with a roof supported by columns or walls. Structures divided by unpierced masonry division walls extending from the ground to the roof shall be deemed to be separate buildings.

Best Management Practice (BMP). Activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within the Commonwealth of Pennsylvania before, during, and after earth disturbance activities.

Boundary Line Adjustment. Shall have the same meaning as "lot line adjustment."

Buffer Yard. A strip of land planted with trees, shrubs and lawns and which is kept free of outdoor storage, buildings and vehicles, and which serves to separate certain uses or zoning districts.

Cartway. The paved portion of a street used for vehicular travel and vehicle parking, not including an unpaved shoulder.

City. The City of Bethlehem, Lehigh and Northampton Counties, Pennsylvania.

Clear Sight Triangle. A triangular area required to be established near street and alley intersections to avoid the placement of certain types of sight obstructions. This triangular area is defined by lines along each street or alley, connected by a third longer leg of the triangle, as regulated by the Zoning Ordinance.

Commission. The Planning Commission of the City of Bethlehem.

Common Open Space. See Open Space, Common.

Conservation District. The Lehigh or Northampton County Conservation District, as applicable.

Cross Section. A profile of existing ground at right angles to the centerline.

Crosswalk. A specifically paved or marked path for pedestrians crossing a street, access drive or travel lane.

Crown. The height of the center of a roadway surface above its edges.

Culvert. A pipe, conduit or similar structure including appurtenant works, which carries surface water.

Curb. The raised edge of a pavement that confines surface water to the pavement and protects the abutting land from vehicular traffic.

Curb Ramp. A sloped extension of the sidewalk providing pedestrian access to the street grade. Americans With Disabilities Act guidelines shall be followed for the design of curb ramps, as well as PennDOT standards along a State Road.

Cut. To lower the level of the surface of an existing grade, or the vertical distance from the existing ground surface to the planned grade line at a given point.

Days. Calendar days.

DEP. The Pennsylvania Department of Environmental Protection, and its successor agencies.

Developer (or Subdivider). Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

(1) Total Development Acreage. The aggregate of lands to be developed.

(2) Net Development Acreage. The total development acreage minus all watercourses, floodways and public street right-of-way lands.

Driveway Apron. The sloped area between the sidewalk and the curb of a driveway that provides reinforcement for vehicular traffic while allowing pedestrians to cross at grade from the adjoining sidewalk area.

Driveway, Shared. A driveway that provides access to two lots.

Dwelling. A building used as a residence.

- (a) Single Family Detached Dwelling – A building occupied by only one dwelling unit, and having no party wall in common with an adjacent building.
- (b) Townhouse (also known as a Single Family Attached Dwelling or Row House) – A set of 3 or more attached dwelling units, which are completely separated from each other by one or two vertical party walls.
- (c) Single Family Semi-Detached Dwelling (also known as a Twin Dwelling) – One dwelling unit that is completely separated from a second dwelling unit by a vertical party wall.
- (d) Two Family Detached Dwelling – A detached building occupied by 2 dwelling units, which are not completely separated from each other by a vertical party wall.

- (e) Two Family Semi-Detached Dwelling – A 2 family building on a single lot having one party wall in common with an adjacent two-family building on an adjoining lot, with one dwelling unit over the other, the two buildings together, however, accommodating but 4 families, 2 families living on either side of the party wall.
- (f) Multi-Family Dwelling or Apartment – A building including 3 or more dwelling units, other than Townhouses.

Dwelling Unit. A single habitable living unit occupied by only one "family" (see definition). To be considered a dwelling unit, each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping or cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another. A second kitchen shall not be newly installed in a dwelling unit unless it is for the purpose of accommodating a relative who needs special care and supervision because of age or disability.

Easement. A limited right of use granted on private land for public or private use by another party or parties, or a protective condition, as in the case of drainage easements for protection and/or preservation of a specified area.

Engineer, Professional. A person licensed in the Commonwealth of Pennsylvania to practice as a professional engineer in the Commonwealth of Pennsylvania.

Engineer, City. The professional engineer licensed in the Commonwealth of Pennsylvania duly appointed by the City to perform the duties of the City Engineer. The City Engineer shall have the same meaning as "municipal engineer" as defined in Section 107 of the MPC.

Family. Two or more individuals who are "related" to each other by blood, marriage or adoption (including persons receiving formal foster care) or up to 4 persons age 18 or over who are not "related" to each other who maintain a common household with common cooking facilities and certain rooms in common, and who live within one dwelling unit. A family shall also expressly include numbers of unrelated persons that may be allowed by the Group Home provision of the Zoning Ordinance residing within an approved group home. A family shall not include an association of two or more persons occupying a dwelling unit which otherwise meets the definition of a "student home" in the Zoning Ordinance.

Finished Grade. The proposed elevation of the land surface of a site after the completion of all site improvement work.

Floodplain. (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this Ordinance, the 100-Year Floodplain as defined in the Flood Insurance Study for the City of Bethlehem prepared by the Federal Emergency Management Agency.

Geodetic Control. All subdivisions and land developments will require all surveys to be tied into North American Datum (NAD) 1983 State Plane Pennsylvania South (FIPS 3702) Coordinates in feet and performed to third order control standards as set forth by the Federal Geodetic Control Committee (as specified by the National Geodetic Survey). Coordinates and scale factors/grid factors of existing permanent monuments will be provided to the surveyor by the City of Bethlehem. In the event that any points of the lands subject to subdivision are more than one half mile from any given permanent monument, the developer shall construct a new permanent monument.

Grade. The elevation of ground, paving or another improvement.

Grading. All construction operations between site clearing and building or paving. Grading includes excavating, hauling, spreading and compacting operations.

Green Infrastructure. Small-scale stormwater management practices, nonstructural techniques, and site planning practices to mimic natural hydrologic runoff characteristics and minimize the impact of development on water resources.

Improvement Agreement or Developer's Agreement. An agreement in a form and manner acceptable to the City requiring a developer to install the improvements required by this Ordinance or which appear on the official approved plans.

Improvements. Physical changes to the land associated with a subdivision or land development plan, including, but not limited to a building(s) and building additions, structures, streets, gutters, curbs, street lights, signs, water, sanitary and storm sewer mains and appurtenances, stormwater structures, walkways, sidewalks, recreational facilities, open space improvements, shade trees, buffers and landscaping and all other additions to the tract which are deemed necessary to result in a complete project.

Land Development. Land Development shall include any of the following activities, unless such definition is revised by a later amendment of the MPC:

1. The improvement of 1 lot or 2 or more contiguous lots, tracts or parcels of land for any purpose involving either or both of the following:
  - a. A group of 2 or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. The following activities are excluded from the definition of "land development" when such proposed activity only involves the following:
  - a. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than 3 residential units, unless such units are intended to be a condominium; or

- b. The addition of an accessory building (including a farm building) on a lot or lots subordinate to an existing principal building if fewer than 5,000 square feet of new impervious surfaces are proposed.

Land Development, Major. A Land Development that involves 15,000 or more square feet of new impervious surfaces and/or 10 or more new dwelling units. If any Land Development involves the extension of a public street, it shall also be considered to be a Major Land Development.

Land Development, Minor. A Land Development which involves fewer than 15,000 square feet of new impervious surfaces and which involves fewer than 10 new dwelling units, and does not involve the extension of a public street.

Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Landscape Architect. A person registered as a landscape architect by the Commonwealth of Pennsylvania.

Level of Service. A qualitative measure used to relate the quality of traffic service and delay.

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Line Adjustment. The revision of one or more lot lines in such a way that all of the following are true:

1. no new lots will be created beyond what was previously approved;
2. no additional road/street segments or significant changes in alignment are proposed other than what was previously approved;
3. no additional nonconformities will be created under the City Zoning Ordinance; and
4. no new land development will occur other than a land development that was previously approved or buildings to support crop farming.

Lot Merger or Consolidation. The removal of one or more lot lines so that the number of lots is reduced.

LVPC. The Lehigh Valley Planning Commission, or its successor entity.

Maintenance Agreement. An agreement in a form and manner acceptable to the City of Bethlehem requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain period.

Maintenance Guarantee. Financial security which is acceptable to the City to secure the promise made by a developer in the maintenance agreement that required

improvements shall be maintained by the developer. (Note: These guarantees typically include acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

Major and Minor Subdivisions. See Subdivision, Major and Subdivision, Minor.

Modification. A process authorized under Section 1341.07 that allows the City Planning Commission to approve a specific alternative standard.

MPC. The Pennsylvania Municipalities Planning Code, as amended.

One Hundred Year Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Open Space, Common. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Open Space, Public. Common open space owned by the City or another government agency for public recreation.

Ordinance, This. The City of Bethlehem Subdivision & Land Development Ordinance, as amended, and any provisions thereof, enacted by the City Council.

Pathway. A pedestrian and/or bicycle accessway which is not a sidewalk adjacent to a street or access drive and which conforms with this Ordinance.

PennDOT. The Pennsylvania Department of Transportation.

Performance Guarantee. Financial security which is acceptable to the City to ensure that the developer will install required improvements. (Note: This typically includes acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

Plan. A map of a land development or subdivision and accompanying notations. As used in this Ordinance, the term "plan" shall have the same mean as the term "plat" as defined in Section 107 of the MPC.

1. Sketch Plan. An informal plan, identified with the title "Sketch Plan" on the map, indicating the general layout of the proposed subdivision or land development.
2. Preliminary/Final Plan. A complete plan identified with the title "Preliminary/Final Plan" accurately showing proposed streets and lot layout and such other information as required by this Ordinance. A preliminary plan is not required by this Ordinance.

Planning Commission. The Planning Commission of the City of Bethlehem.

Planning and Zoning Director. The staff-person(s) charged by the Mayor with the responsibility of administering this Ordinance. Such role shall be served by the Director of the Planning and Zoning Bureau or his/her designee, unless a different person is assigned the responsibility by the Mayor or City Council.

Profile. A line on a drawing which shows elevations of points along a selected route. A profile usually shows both ground elevations and grade elevations.

Public hearing. A formal meeting held pursuant to public notice by the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

Public meeting. A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings).

Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Public Sewage Service. Service by a sewage disposal system that is owned and/or operated by a local government, governmental authority or a public utility company regulated by the Public Utility Commission.

Public Water Service. Service by a water supply system that is owned and/or operated by a local government, governmental authority or a public utility company regulated by the Public Utility Commission.

Record Plan. The preliminary/final plan approved for recording with the appropriate County Recorder of Deeds Office.

Recreation Land. A parcel or parcels of land within a tract which meets all of the following standards when the land is being used to meet City requirements in Section 1349.07:

- A. is designed, intended and suitable for non-commercial active or passive recreation by residents of a development or the general public, or another open space use that is specifically approved by the City,
- B. is covered by a system that ensures perpetual maintenance, unless the land is intended to be publicly owned,
- C. will be deeded to the City and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "recreation land," and
- D. does not use any of the following areas to meet minimum recreation land requirements:
  1. existing street rights-of-way;
  2. vehicle streets or driveways providing access to other lots;
  3. land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation);

4. off-street parking (other than that clearly intended for noncommercial recreation);
5. area(s) needed to meet a requirement for an individual building lot except for a community recreation building;
6. land intended to be open to the public that does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from recreation land that has access to such a street;
7. land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant, after a review by the City Engineer, proves to the satisfaction of the City would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond;
8. portions of land that have a width of less than 50 feet, unless this requirement is specifically modified by the City;
9. areas that are under water during normal weather conditions; or
10. areas that are under or within 50 feet from electric transmission lines or towers that are designed for a capacity of 35 kilovolts or greater.

Right-of-Way. A legal right of passage across land occupied or intended to be occupied by a street, alley, crosswalk, railroad, electric or telecommunication transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Sewage Disposal System. A system designed to collect, treat and dispose of sewage from users in compliance with regulations of PA DEP and the City.

- A. Public Sewage Service. Service by a sewage disposal system which collects, treats and disposes sewage from multiple lots and conveys it to a wastewater treatment plant that is owned and/or operated by an authority, municipality, other public entity or their leasee.

Sidewalk. A pedestrian accessway which is adjacent to a road/street or access drive and conforms to the regulations of this Ordinance.

Sight Triangle. See “Clear Sight Triangle” and the provisions in the Zoning Ordinance.

Sketch Plan. See Plan, Sketch.

State or Commonwealth. The government of the Commonwealth of Pennsylvania and its relevant subparts.

Steep Slope. An area of greater than 15 percent slope.

Street. A motor vehicle route (not including driveways, alleys, and access drives) that affords the principal means of access to three or more abutting properties, and which may also be accessible by pedestrians and bicyclists. A street may be publicly or privately owned and maintained, provided that the requirements of this Ordinance are met. For rights-of-way of 20 feet or less in width, see the definition of “alley.”

Street Classifications. The functional classifications of streets shall follow the Functional Classification Map that is included in the Comprehensive Plan. The City shall have the authority to classify any street that is proposed or that is not shown on that map. Such classifications may be amended by resolution of City Council. Streets are classified as Expressways, Arterial Streets, Collector Streets, and Local Streets.

- A. Expressway. A street whose main function is to carry large volumes of traffic between distant points in the City and beyond, and which provides no access to individual lots. Interstate 78, Route 22, and Route 378 north of the Main Street ramp are Expressways.
- B. See also the definition of “alley.”
- C. Street, Arterial. Providing for large volumes of through traffic movement between areas and across the City, and direct access to abutting property subject to necessary control of entrances, exits, and curb use.
- D. Street, Collector. Providing for traffic movement between arterial and local streets, and direct access to abutting property.
- E. Street, Local. A street whose main purpose is to provide access to individual lots.
- F. Street, Marginal Access. A minor street which is parallel to or adjacent to an arterial street which provides access to abutting property by reducing the number of access points to the arterial street.

Street, Cul-de-Sac. A type of street which is terminated at one end by a permitted turn-around and which intersects another street at the other end.

Street Grade. The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be the street grade.

Street Line. See the Zoning Ordinance.

Street, Private. A street that is not owned or maintained by the State or the City.

Subdivider. See "Developer."

Subdivision. The division or redivision of a lot, tract or parcel of land by any means into 2 or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempt from the definition of “Subdivision.”

Subdivision, Major. A “subdivision” that does not meet the definition of a “Subdivision, Minor.”

Subdivision, Minor. A subdivision involving not more than 5 total residential lots or dwelling units, whichever is more restrictive, and which does not involve the construction of a new street or utility main extension. If a subdivision would involve more than 2 acres of total land, it shall also be considered to be a Major Subdivision.

Substantially Completed. In the judgment of the City Engineer at least 90 percent (based upon the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surety. A legal instrument under which one party agrees to answer to the City for the debt, default, or failure to perform of the developer. For the purposes of this Ordinance all sureties shall be posted as cash or a letter of credit with a Federal or Commonwealth chartered lending institution authorized to conduct such business within the Commonwealth.

Surveyor. A professional surveyor, registered as such by the Commonwealth of Pennsylvania.

Total Area of the Tract. The total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision or land development approval. The total area of the tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space.

Tract. A single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision or land development approval. Such lots may be separated by a creek, railroad or street.

Tree Trench. The total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision land development approval. The total area of the tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space.

USGS. United States Geological Survey, or its successor agency.

Vehicle Trip. A vehicle movement in one direction with the origin or destination within the study area.

Waiver. A process authorized under Section 1341.07 that allows the Planning Commission to remove a specific requirement as it applies to an application.

Walkway. A strip of land including a right-of-way dedicated to public use in order to facilitate pedestrian access through or into a block, and which is not a sidewalk abutting a street.

Watercourse. Any natural or artificial waterway, stream, river, creek, ditch, channel, millrace, canal, conduit, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel and bed and shall include any area adjacent thereto subject to inundation by reason of overflow of floodwaters.

Water, Central System or Service. Service by a water system which transmits water from a common source to more than one lot.

1. Community Water Service. Central water service that is not “Public Water Service.”
2. Public Water Service. See “Public Water Service” as defined above.

Water, On-Lot System or Service. Service by a water system which transmits water from a source on the lot to only that particular lot.

## **ARTICLE 1343**

### **Overview of General Procedures**

- 1343.01. PURPOSE. This Article summarizes the general procedures and protection periods as to Ordinance changes for the submission and review of proposed subdivisions and land developments. This Article is only a general explanation, subject to clarification and the further provisions of Articles 1344 through 1350.
- 1343.02. GENERAL PROCEDURE FOR SUBDIVISIONS AND LAND DEVELOPMENTS.
- A. Review and Approval Stages.
1. Pre-Plan Consultation. Applicants are encouraged, but not required, to discuss their project with the City Staff early in the process.
  2. Sketch Plan. While a Sketch Plan is not required, it is strongly recommended that it be filed for a major subdivision or major land development to allow the applicant to consult early and informally with the City Staff and Planning Commission before preparing a preliminary/final Plan. This will often avoid expensive redesign and delay to the applicant.
  3. Preliminary Plan. For a subdivision or land development, the applicant may file a preliminary plan, but the filing, content, and procedural requirements for preliminary plans are identical to the filing and procedural requirements for a preliminary/final plan. In addition, as provided in 1343.04 of this Ordinance, the five-year protection period given to an applicant from any substantive change or amendment of the zoning, subdivision or other governing ordinance or plan in place when the application for preliminary plan is approved shall begin to run from the earlier of conditional preliminary plan approval or preliminary plan approval, whichever comes first, not the date of conditional preliminary/final plan approval or preliminary/final plan approval.
  4. Preliminary/Final Plan. For a subdivision or land development, the applicant is required to file a preliminary/final plan. A preliminary/final plan must be approved prior to recording of the plans by the County and prior to the sale of any lots or the construction of any buildings (see Article 1348). A preliminary plan is not required by this Ordinance.
- B. Improvements Installation Stage (Guarantee). No plans shall be released for recording and no City permits of any type, such as, but not limited to, building, grading or occupancy permits, shall be issued until all of the following are met: (1) all streets shown on a plan required by this Ordinance have been improved to a mud-free or otherwise permanently passable condition, or as may be required by this Ordinance, and (2) all walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements required by this Ordinance have been installed in accordance with this Ordinance. In lieu thereof, the City may condition the issuance of building, grading, occupancy and other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the preliminary/final plan upon execution and delivery of a developer's improvements and performance guarantee

agreement (hereafter “developer’s agreement” or “improvements agreement”) as required by Article 1347 of this Ordinance.

C. Summary of 1343.02.A-B:

Stage	Article of this Ordinance	Type of Proposed Subdivision or Land Development*		
		Land Development	Major Subdivision	Minor Subdivision or Lot Line Adjustment
Sketch Plan	1344	Recommended	Recommended	Not Recommended
Preliminary/Final Plan	1345	Required	Required	Required**
Guarantee of Improvements Installation	1347	Required for all plans that involve required improvements		
Recording of Preliminary/Final Plan	1348	Required for Major. Only required for minor land development if public improvements are involved.	Required	Required

\* See definitions in Article 1342.

\*\* See Article 1346 for minor subdivision preliminary/final plan submission and review requirements. See Section 1346.04 for submission requirements for a lot line adjustment.

1343.03. GENERAL PLAN SUBMISSION PROCEDURES.

- A. Submission. Sketch, and preliminary/final plans and all required accompanying information are required to be submitted to the Planning and Zoning Bureau.
- B. Attendance. Unless exempt under Article 1346, the applicant or his/her duly authorized representative shall attend the Planning Commission meeting to discuss the filed plans. If the applicant fails to appear at a meeting where the plans will be considered, it may result in plan disapproval if the City determines that it resulted in insufficient information to render approval.
- C. Action by the Planning Commission. The Planning Commission has the authority to approve or deny all plans, except where this Ordinance allows for a staff approval. A plan may be approved with specified conditions to be met by the applicant prior to the release of such plan for recording.

PROTECTION PERIODS AGAINST SUBSTANTIVE CHANGES IN THIS ORDINANCE. Changes in the substantive provisions of this Ordinance shall affect plans in the following manner:

- A. In cases where the applicant chooses to file an application for sketch plan approval, there is no protection for the applicant from changes or amendments to this Ordinance.
- B. In cases where the applicant chooses to file an application for preliminary plan approval:
  - 1. From the time an application for approval of a preliminary plan is duly filed as provided for in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of this Ordinance, the Zoning Ordinance or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. This protection will end if the applicant fails to obtain preliminary plan approval or otherwise qualify for the five-year protection period authorized by 1343.04.B.2.
  - 2. When an application for approval of a preliminary plan has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Ordinance, the Zoning Ordinance or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plan. In the event of an appeal filed by any party from the approval or disapproval of a plan application, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired, provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.
  - 3. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval and not the date of preliminary/final approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light

of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

C. In cases where the applicant chooses solely to file an application for preliminary/final plan approval, *i.e.*, not preceded by the filing of an application for preliminary plan approval:

1. From the time an application for approval of a preliminary/final plan is duly filed as provided for in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of this Ordinance, the Zoning Ordinance or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. This protection will end if the applicant fails to obtain preliminary/final plan approval or otherwise qualify for the five-year protection period authorized by 1343.04.C.2.
2. When an application for approval of a preliminary/final plan has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Ordinance, the Zoning Ordinance or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development. In the event of an appeal filed by any party from the approval or disapproval of a plan application, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired.

1343.05

CERTIFICATIONS. All plans and surveys shall be prepared in accordance with the Pennsylvania Engineer, Land Surveyor and Geologist Registration Law, 63 P.S. § 148 *et seq.*, except that this requirement shall not preclude the preparation of a plan in accordance with the Pennsylvania Landscape Architects' Registration Law, 63 P.S. § 901 *et seq.* when it is appropriate to prepare the plan using professional services as set forth in the definition of the "practice of landscape architecture" in 63 P.S. § 902. At least one paper set of all plans provided to the City, including revisions, shall bear the original signature and original seal of the primary plan preparer, which shall be marked as a "City File Copy."

## **ARTICLE 1344**

### **Sketch Plan**

- 1344.01. PRE-PLAN CONSULTATION. Prior to submitting a sketch plan, applicants for developments are encouraged to informally discuss their proposal with the Planning Director and/or other appropriate City Staff.
- 1344.02. SKETCH PLAN SUBMISSION REQUIREMENTS. Prior to the submission of a preliminary/final plan, applicants are strongly encouraged to submit a sketch plan. A sketch plan review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning City ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.
- A. Submission Requirement. If submitted, 8 print copies of the sketch plan and two copies of the application should be submitted to the City Staff prior to a regular City Planning Commission meeting. A City review fee will also be required.
- B. Drawing Requirements. Any sketch plan shall be drafted to scale and is recommended to include the following as applicable:
1. General Information:
    - a. Tentative name of the project (may be the developer's name).
    - b. Name, mailing address, phone number and email address of person responsible for the preparation of the plan(s).
    - c. Date of plan preparation.
    - d. North arrow, graphic scale, and written scale.
    - e. A location map showing the general project location in relation to nearby roads / streets and waterways.
    - f. Words "Sketch Plan" on each plan.
  2. Approximate Existing Conditions:
    - a. Boundary lines of the parcel(s).
    - b. Acreage of the entire tract.
    - c. Zoning district
    - d. Any approximate concentrations of steeply sloped lands (such as greater than 15 percent up to 25 percent, and greater than 25 percent).
    - e. Locations of watercourses (with any name), natural springs, ponds, lakes and suspected wetlands. (Note - where a detailed wetland study has not been completed, applicants are requested to review the locations of "hydric" soils in the federal soils information to provide an initial indication of areas that are likely to include some wetland areas.)
    - f. Any known sinkholes and topical depressions.
    - g. Any areas within the 100-year floodplain.
    - h. Any major easements or proposed recreation trails, existing trails and trail easements.
    - i. Principal buildings built before 1940 that could be impacted by the project.

- j. Major existing utility easements/ rights-of-way that might affect development layout.
  - k. Approximate locations of tree lines and existing forested areas.
  - l. Types of adjacent land uses (such as rowhouse) and any zoning district boundaries in the area.
3. Proposed Conditions:
- a. Boundary lines of the parcel(s).
  - b. Building footprints and entrance locations.
  - c. Proposed uses and location of uses in buildings.
  - d. Public and private streets labeled.
  - e. Driveways, parking areas, access aisles, and site entrances.
  - f. Significant proposed site features (such as retaining walls, steep slopes, etc.).
  - g. Open space.
  - h. Tentative approximate locations of any stormwater detention basins and any major stormwater drainage channels.
  - i. Note stating the general methods of providing water and sewer service.
  - j. Suggestions from the applicant regarding possible locations of any proposed common open space or recreation land or whether the applicant seeks to pay recreation fees, if applicable.
  - k. Tabulations of lot area(s).
  - l. Approximate tabulations of density, gross square feet of buildings, building height, number of units, open space, and proposed parking.

1344.03. SKETCH PLAN REVIEW PROCEDURES.

- A. No official action shall be taken on a sketch plan. The City shall not be bound by comments made or not made as part of a sketch plan review by the Planning Commission or other City Staff.
- B. The City should distribute copies of the sketch plan to the Department of Public Works, and any other relevant City staff-persons for advisory reviews.
- C. The sketch plan should be reviewed by the Planning Commission, with any comments reported to the applicant or his/her representative. It is recommended that the following matters be emphasized in a review of a sketch plan:
  - 1. The suitability of areas proposed for development and areas proposed as open space.
  - 2. The most suitable methods of providing street access, including access points onto existing streets, and possible interconnections with existing streets or streets within approved developments.
  - 3. Methods to reduce the total percentage of the site that will be re-graded, paved or de-forested.
  - 4. Compliance with the goals and objectives of the Comprehensive Plan, the Climate Action Plan, and other recent long-range City plans.
- D. LVPC Review. The City may forward a copy of the sketch plan to the LVPC for any informal review if the City believes it may have significant impacts.

**ARTICLE 1345**  
**Major Subdivisions and Major Land Developments:**  
**Preliminary Plan Option and Preliminary/Final Plans**

- 1345.01. PURPOSE AND SCOPE. This Article governs the requirements and procedures for any major subdivision or major land development. By contrast, Article 1346 governs the requirements and procedure for any minor subdivision, minor land development, and lot line adjustment, minor corrections and minor revisions to a previously approved plan, and a merger or consolidation of lots (also referred to as reverse subdivision).
- 1345.02. SUBMISSION AND REVIEW PROCEDURE.
- A. Preliminary Plan Option.
1. At the discretion of the applicant, the applicant may submit an application for approval of a preliminary plan for any proposed subdivision and land development. In such case, the requirements, including the filing fee, and procedures to be followed for any such application are identical to the requirements hereafter provided for preliminary/final plans.
- B. Preliminary/Final Plan Submission Required.
1. Prior to the submission of a preliminary/final plan, applicants are encouraged to submit a sketch plan for all proposed subdivisions and land developments in accordance with Article 1344.
  2. A preliminary/final plan submission for each major subdivision or major land development must be filed by the applicant and reviewed in accordance with the provisions of this Article 1345.
  3. The contents of a preliminary/final plan submission shall include, as specified by Appendix B to this Ordinance, the required number of copies of all plan sheets and the application for preliminary/final plan approval, and one electronic copy of all plan sheets and the application in any of the following formats: pdf, jpg, or Microsoft Word. The required information and plans shall be submitted to the City Planning and Zoning Bureau Staff (hereafter “Staff”). Any review fees imposed by Resolution of City Council and the receipt of filing the plans with the LVPC shall also be required to be paid by the applicant at the time of submission.
- C. Completeness Review. Within 10 days of receipt, the City Planning and Zoning Bureau Staff will conduct a review of a preliminary/final plan for completeness in accordance with the requirements of this Article 1345. In performing this completeness review, the City Staff may, but is not limited to, use the checklist and list of submittal requirements for major subdivision and major land development plans. If the application is incomplete, the City Staff shall notify the party submitting the plans for review by email and describe in reasonable detail the deficiencies which render the submission incomplete.

1. The time clock for action under the MPC shall not start until an application is complete but this time clock will begin to run as of the date of filing in cases where the City failed to timely notify the applicant that a filing is deficient. The failure on the part of City Staff to identify an application as incomplete shall not later operate to prevent City Staff or the Planning Commission from identifying a deficiency and/or require such deficiency to be corrected prior to plan approval or conditional plan approval.

D. Creation and distribution of staff review letter.

1. Following the completeness review, City Staff shall distribute the applicable plans and supporting materials among the various City departments and bureaus for review and comment concerning matters within the jurisdiction of such departments and bureaus, which comments shall thereafter be compiled by City Staff into a single review and comment letter to be submitted to the Planning Commission for consideration in advance of any deadlines for which a deemed approval may occur under the MPC. A copy of such compiled review letter shall be simultaneously provided to the applicant.
2. Notwithstanding the foregoing, it is the applicant's responsibility to:
  - a. make agreements with the appropriate utility companies to guarantee applicable provision of service;
  - b. submit a complete application to PennDOT for any needed permit for access to or work within a State road right-of-way;
  - c. provide information to DEP or other agencies for any permits that might be required and determining whether any wetlands will be involved;
  - d. submit a copy of the soil erosion and sedimentation plan to the Conservation District, and pay their required review fees, if earth disturbance is proposed;
  - e. submit a copy of the plans to the LVPC, with any required fee, and with a copy of the transmittal memo provided to the City;
  - f. if a sewage facility planning module is required by DEP, the applicant shall submit 2 complete copies for City use, plus shall submit copies of the module and plans to various agencies as required under State regulations. (Note - A sewage planning module shall be completed and fully approved prior to issuance of building permits.); and
  - g. submit a copy of the plans to the Lehigh and Northampton Transportation Authority, the Environmental Advisory Council, and the City's traffic consultant, if required by City Staff.
  - h. make any other required submittals to Federal and State agencies.

3. Adjacent Municipalities. If any portion of a major subdivision or land development: 1) is proposed within 200 feet of the boundary of another municipality, or 2) would clearly have a regional impact upon another municipality as determined by the Planning and Zoning Director or designee, then the applicant shall provide a copy of the layout plan to that municipality for an advisory review and promptly share any responses from the adjacent municipality with the City Planning and Zoning Director.

E. Review by Planning & Zoning Bureau.

1. The applicant is responsible for submission to LVPC at the same time as City submission.
2. The applicant and/or his/her plan preparer should make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission meetings.

F. Review and Action by Planning Commission. The City Planning Commission shall accomplish the following within the time limitations of MPC so as to avoid any deemed approvals applicable to major subdivisions and major land developments, subject to any time extension(s) approved in writing by the applicant:

1. Review applicable reports received from official review agencies. With respect to the LVPC, the City Planning Commission shall not act upon an application until receipt of comments from the LVPC or until 30 days shall have elapsed from the submission of an applicant's plans to the LVPC, whichever occurs first. If comments are received from the LVPC subsequent to the 30-day minimum waiting period, but before the Planning Commission takes action on the application, the Planning Commission may consider such comments at its sole discretion.
2. Determine whether the preliminary/final plan submission meets the requirements of this Ordinance and other applicable ordinances for which an official review may have been provided. The Planning Commission shall approve the submission upon proof that the plans meet all of the requirements of this Ordinance, subject to any modifications, waivers, and/or deferrals which have been approved in accordance with this Ordinance. Alternatively, the Planning Commission may conditionally approve the submission upon compliance being furnished to the Director of Planning and Zoning at a later date that the requirements of this Ordinance will be met.
3. Approve, conditionally approve or disapprove the preliminary/final plan application and communicate the same to the applicant within the following time limits, unless superseded by provisions of the MPC:
  - a. not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed or after a final order of court remanding an application, provided that

should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

4. Notice to Applicant. Any decision of the Planning Commission to approve, conditionally approve, or disapprove a preliminary/final plan application shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than 15 days following the decision.
5. Disapproval. When a preliminary/final plan application is disapproved, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
6. Conditions. Pursuant to Section 503(9) of the MPC, the Planning Commission may attach reasonable conditions to the approval of a preliminary/final plan to implement the purposes of this Ordinance, other City ordinances, and State laws and regulations. If conditions are placed upon an approval, it shall be the responsibility of the applicant or his authorized representative, in writing, to accept or reject the conditions within 30 days from the date of the decision by the Planning Commission granting such conditional approval. Approval of the plan shall be rescinded automatically upon the applicant's failure to accept or reject such conditions within such 30-day time limit.
7. Revisions. A detailed list of revisions from a previously submitted plan shall be provided by the applicant whenever a revised plan is submitted, including any revisions made to address prior review comments. The applicant's plan preparer shall certify that the list of revisions is complete. In addressing prior comments, the applicant shall submit a letter listing each comment from City Staff, the LVPC, and the Planning Commission and the applicant's response to each comment. Revisions to plans shall be subject to 1341.09.B of this Ordinance.

G. Dedications.

1. The approval of the preliminary/final plan by the Planning Commission shall not by itself constitute an acceptance of the dedication of any street or other proposed public way, space, area, or improvements, unless such acceptance is specified at such time.
2. Any such acceptance of dedication shall only occur after formal action of the City at such time.
3. As part of an improvements agreement, if the City elects to accept lands offered for dedication, the submission shall be accompanied by duly executed instruments of conveyance to the City. Such instruments shall state that the title thereof is free and unencumbered.

4. The City may require that an applicant provide title insurance if land is to be dedicated to the City.

H. Development in Phases/Stages.

1. If requested by the applicant, the City may permit the grading and installation of the required improvements depicted on the preliminary/final plan to be completed in a series of phases or stages, as more particularly described on the preliminary/final plan and supporting documentation, subject to such requirements or guarantees as the City may require for each pending or future phase or stage as it finds essential for the protection of any finally approved section of the development.
2. If Preliminary/Final Plans are to be filed in phases or stages, each phase or stage shall provide sufficient access, utilities and amenities to allow the development to properly function if future phases or stages are not built.
3. The boundaries of phases or stages and the timing of related improvements shall be subject to the approval of the Planning Commission.
4. In the event of phasing or staging, a preliminary/final plan for each phase or stage shall be recorded with the applicable County Recorder of Deeds. Each recorded plan shall require a separate developer's agreement or addendum agreement and necessary surety to be approved by the City.

1345.03. PRELIMINARY/FINAL PLAN REQUIREMENTS.

- A. All of the information and materials listed in the subdivision and land development application submission documents are required to be submitted as part of all preliminary/final plans for any subdivision or land development. This list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the City to ensure completion of submissions. The applicant shall submit three photocopies as part of the application.

**ARTICLE 1346**  
**Minor Subdivisions, Minor Land Developments and Lot Line**  
**Adjustments Preliminary/Final Plans**

- 1346.01. PURPOSE AND SCOPE. This Article governs and provides simplified requirements and procedures for any minor subdivision, minor land development, and lot line adjustment, minor corrections and minor revisions to a previously approved plan, and a merger or consolidation of lots (also referred to as reverse subdivision). By contrast, Article 1345 governs the requirements and procedures for any major subdivision or major land development.
- 1346.02. SUBMISSION AND REVIEW PROCEDURE. For matters subject to the scope of this Article 1346, the following general submission and review process shall apply. Additional specific content and procedural requirements are set forth in the following provisions:
1. 1346.03 - minor subdivisions and minor land developments
  2. 1346.04 - lot line adjustments, minor revisions and minor corrections to previously-approved plans
  3. 1346.05 - lot mergers and consolidations (a/k/a reverse subdivisions)
- A. Preliminary/Final Plan Submission Required. For matters subject to the scope of this Article 1346, a preliminary/final plan submission must be filed by the applicant and reviewed in accordance with the provisions of this Article 1346.
- B. Filing and Distribution.
1. The Applicant shall file with the City Staff: (a) the required fees, (b) the application, and information and plans required under this Article 1346, and (c) one electronic copy of all plan sheets and the application in any of the following formats: pdf, jpg, or Microsoft Word.
  2. If access onto a State Road or work within a State right-of-way is proposed, the applicant shall forward the required information to PennDOT and apply for a highway occupancy permit. If such permit is not granted by PennDOT prior to preliminary/final plan approval, then it shall automatically be a condition of preliminary/final plan approval. Occupancy permits shall not be issued by the City until the PennDOT permit is granted.
  3. The applicant shall provide a copy of the receipt of filing the plans with the LVPC, if applicable, and the soil erosion and sedimentation control plan provided by the applicant to the Conservation District, if applicable, along with proof of such delivery or a statement indicating that such plan was not required.
- C. Completeness review and initial actions by Staff.
1. Within 10 days of receipt, the City Planning and Zoning Bureau Staff will conduct a review of a preliminary/final plan for completeness in accordance with the requirements of this Article 1346. In performing this completeness

review, the City Staff may, but is not limited to, use the checklist set forth in the checklist and list of submittal requirements for minor subdivision and minor land development plans. If the application is incomplete, the City Staff shall notify in writing the party submitting the plans for review by email dated no later than the 10<sup>th</sup> day and describe in reasonable detail the deficiencies which render the submission incomplete. The time clock for action under the MPC shall not start until an application is complete but this time clock will begin to run as of the date of filing in cases where the City failed to timely notify the applicant that a submission is deficient. The failure on the part of City Staff to identify an application as incomplete shall not later operate to prevent the City from identifying a deficiency and/or require such deficiency to be corrected prior to plan approval or conditional plan approval.

2. Following the completeness review, the City Staff shall distribute the applicable plans and supporting materials among the various City departments and bureaus for review and comment concerning matters within the jurisdiction of such departments and bureaus, which comments shall thereafter be compiled by City Staff into a single review and comment letter to be provided to the applicant for consideration in advance of any deadlines for which a deemed approval may occur under the MPC.

D. Review and Action by City. The City Planning and Zoning Bureau is hereby designated as the “planning agency” under Section 501 et seq. of the MPC, and the definition of “planning agency” under Section 107 of the MPC for all applications which are the subject of this Article 1346. As such, applications subject to this Article are only required to be reviewed, approved, approved with conditions, or rejected by the Director of Planning and Zoning. Notwithstanding this provision, the Director of Planning and Zoning may require the application to be reviewed by the City Planning Commission if there are any outstanding issues related to preservation of natural resources or accessible parking and circulation.

1. The terms “City Planning and Zoning Bureau”, Bureau, and “Director of Planning and Zoning or designee” are hereafter used interchangeably in this Article.

E. Timetables. The Bureau shall accomplish the following within the time limitations of the MPC so as to avoid any deemed approvals, subject to any time extension(s) approved in writing by Applicant:

1. Review applicable reports received from official review agencies. With respect to the LVPC, the Bureau shall not act upon such application until receipt of comments from the LVPC or 30 days shall have passed from the submission of such plans to the LVPC, whichever comes first. If comments are received from the LVPC subsequent to the 30-day minimum waiting period, but before the Bureau takes action on the application, the Bureau may consider such comments at its sole discretion.
2. Determine whether the Preliminary/Final Plan Submission meets the requirements of this Ordinance and other applicable Ordinances for which

an official review may have been provided.

3. Approve, conditionally approve or disapprove the Preliminary/Final Plan Submission and communicate the same to the applicant within the following time limits, unless superseded by provisions of the MPC, not later than 90 days following the date of receipt of the completed application.

F. Notice to Applicant. Any decision of the Bureau to approve, conditionally approve, or disapprove a Preliminary/Final Plan Submission shall be in writing and shall be communicated to the Applicant by mail or emailed to him/her at his/her last known address not later than 15 days following the decision.

G. When a Preliminary/Final Plan Submission is disapproved, the decision shall specify defects found in the Submission, describe requirements which have not been met, and cite the provisions of the statute or Ordinance relied upon for each defect.

H. Conditions. The Bureau may attach reasonable conditions to an approval to ensure the carrying out of this Ordinance, other City Ordinances and State laws and regulations. If conditions are placed upon an approval, it shall be the responsibility of the applicant or his authorized representative, in writing, to accept, reject, or appeal to a court of competent jurisdiction the conditions within a maximum of 30 days after the date of the decision by the Bureau. If the applicant fails to accept, reject, or otherwise appeal the conditions within such time period, then all conditions are binding upon the applicant. If the applicant rejects one or more conditions, then the conditional approval shall be considered a denial of the Preliminary/Final Plan, unless a decision of a court determines such rejected condition(s) was not valid.

1. The applicant shall be required to show compliance with all the conditions upon the Preliminary/Final Plan approval within one year after the date of the decision by the Planning and Zoning Director, unless a written extension is granted by the Planning and Zoning Director.

1346.03. Specific content and procedural requirements for minor subdivisions and minor land developments. All of the following information and materials specified by the checklist and list of submittal requirements for Minor Subdivision and Minor Land Development Plans is required to be included at the time of the submission of all preliminary/final plans. This list of requirements shall serve as both a list of requirements and as a checklist for the applicant and the City to ensure completion of submissions. The applicant shall submit completed photocopies of this Section as part of the application.

1346.04. Specific content and procedural requirements for all lot line adjustments and minor revisions of approved Preliminary/Final Plans. All of the following information and materials listed specified by the checklist and list of submittal requirements for lot line adjustments is required at the time of the submission of any plans for lot line adjustments and minor revisions of approved plans. This list of requirements shall serve as both a list of requirements and as a checklist for the applicant and the City to ensure complete submissions. The applicant shall submit completed photocopies of this Section as part of the application.

1346.05 Specific content and procedural requirements for all lot mergers and consolidations (a/k/a reverse subdivisions).

- A. This Section 1346.05 applies to the merger or consolidation of *two or more* lots (also referred to as reverse subdivision) which results in the formation of a single lot for which a consolidated unification deed is prepared and recorded. Such deed shall contain a single metes and bounds description for the outer boundaries of the merged or consolidated lots. The lots to be merged should be within the same zoning district, where feasible.
- B. A lot merger shall need review by the City staff and a written approval by the Planning and Zoning Director or his/her designee, but shall not by itself require the submission of a complete subdivision plan, provided the merger will not result in a new street or water or sewer main extension that was not previously approved. Instead, a plan shall be prepared that shows the boundaries of the lots, and that clearly states the merger that is occurring.
- C. The lot merger deed shall be recorded in the same manner as any subdivision.

**ARTICLE 1347**  
**Improvements Guarantees**

1347.01. GUARANTEE OF IMPROVEMENTS INSTALLATION REQUIRED.

- A. Unless the streets shown on a plan required by this Ordinance have been improved to a mud-free or otherwise permanently passable condition, or as may be required by this Ordinance, and all walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements required by this Ordinance have been strictly installed in accordance with this Ordinance, the City shall require an applicant to execute an improvements and performance guarantee agreement (hereafter “developer’s agreement” or “improvements agreement”) as required by this Article. Such agreement shall be recorded simultaneously with the plan in the Office of Recorder of Deeds for the county or counties in which the real estate is located.
- B. No City permits of any type shall be issued, and no construction of permanent buildings or sales of any individual lot or condominium unit shall occur, within a subdivision or land development until the Planning and Zoning Bureau shall have determined that the applicant has complied with Section 1347.01A.
- C. Prior to receipt of the developer’s agreement and financial security in accordance with this Article 1347, the City may condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the preliminary/final plan upon actual completion of the improvements required by this Ordinance as depicted upon the approved preliminary/final plan.
- D. Upon receipt of a developer’s agreement and financial security which complies with this Article 1347, the City, pursuant to Section 509(m) of the MPC, shall not:
  - 1. condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the preliminary/final plan upon actual completion of the improvements depicted upon the approved preliminary/final plan;
  - 2. withhold occupancy permits for any building or buildings to be erected following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition; or
  - 3. withhold occupancy permits for any building or buildings to be erected following the completion of all other improvements as depicted upon the approved preliminary/final plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.
- E. Nothing in this Article shall be construed to modify or eliminate the need for a developer, subdivider, property owner or other person from complying with the requirements for obtaining an occupancy permit or certificate of occupancy

imposed by any other ordinance of the City of Bethlehem, the Pennsylvania Uniform Construction Code, or the International Fire Code.

1347.02. IMPROVEMENTS TO BE PROVIDED BY THE APPLICANT.

- A. The record owner of the real estate described on the approved preliminary/final plan shall be responsible for the installation of all improvements required by this Ordinance and such responsibility shall run with the land and burden the record owner and his/her/its successors, and assigns, unless the developer's agreement provides otherwise.
- B. The City shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance. The reasonable costs of such inspections shall be borne by the party in the manner set forth in the developer's agreement.
- C. For the purposes of Article 1347, the term "City Engineer" shall include his/her designee.

1347.03. DEVELOPER'S AGREEMENT (Also known as an "Improvements Agreement")

- A. Terms of Developer's Agreement. The developer's agreement shall be acceptable in legal form to the City Solicitor and shall be acceptable in content to the City. The City may require that a developer's agreement include, but not be restricted to, the following items for each and every phase of a preliminary/final plan:
  - 1. Setting forth the improvements required by this Ordinance to be made by the applicant, timetables for completing such improvements, financial security to be available to the City to cure or resolve any default by applicant, maintenance responsibilities, procedures for obtaining releases of funds from, or reductions of liabilities under the posted security, procedures relating to inspections and/or dedication and/or transfer of ownership of any improvements and real estate interests, and/or otherwise pertaining to any other applicable right, privilege or duty arising under this Ordinance and any other City ordinance, law, covenant, stipulation, condition and/or rule.
  - 2. Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the City from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the City prior to such work.
  - 3. Provisions requiring the applicant and/or other responsible entities to comply with all erosion, sedimentation and stormwater management plans.
  - 4. See Section 1348.02 concerning the requirement for a "RECORD" plan.
  - 5. Provisions requiring the developer to reimburse the City for all reasonable engineering costs directly related to the review, construction and inspection

of the proposed development and to the review and preparation of the developer's agreement.

6. Provisions concerning any violations of the developer's agreement.
7. Any other lawful terms which the Planning and Zoning Bureau may require to carry out the provisions of this Ordinance.
8. Signatures. The developer's agreement shall be signed by all responsible landowners and/or developers.
9. Utility Agreements. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the City, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

B. Ownership of Land and Guarantee.

1. **A certificate of ownership in the form of Appendix C shall be executed** in the exact name in which title is held. If the developer(s) is someone other than the landowner(s), the developer shall also execute this affidavit, along with a security agreement.
2. Change in Ownership or Developer. Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or land development or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the Planning and Zoning Bureau to guarantee validity of the approved preliminary/final plan. The Planning and Zoning Bureau shall require that such new landowner and/or developer, in writing, fully assume all applicable responsibilities under the developer's agreement, including providing required financial security.

1347.04. PERFORMANCE GUARANTEE. The performance guarantee for completion of required improvements shall meet the following requirements:

A. Security.

1. The performance guarantee shall be secured by the credit of any of the following:
  - a. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution;
  - b. An escrow account in a Federal or State chartered lending institution that the City can access if needed; or

- c. other financial security approved by the City (which approval shall not be unreasonably withheld), but not including a second or third mortgage on the unimproved lands.
2. The performance guarantee shall provide for the proper completion of required improvements following a schedule specified in the developer's agreement or another agreement completed with the City.
3. Such financial security shall be posted with a Federally issued or State chartered lending institution chosen by the party posting the financial security, or such other approved entity, provided such institution or entity is authorized to conduct such business within the Commonwealth. The City may require that evidence be provided that such institution or entity has sufficiently adequate and secure assets to cover the security. The City shall be the authorized signatory on any account in which the escrow funds are held.

B. Amount of Security.

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer in the official development schedule. Annually, the City may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the City may require the developer to post additional security in order to assure that the financial security equals but does not exceed said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
2. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The City, upon the recommendation of the City Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the City are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the City and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the City and the applicant or developer.
3. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required

- improvements, the amount of financial security may be increased by a maximum of an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.
4. Inspection Fees. The amount of financial security shall also include an additional 5 percent of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs.
- C. Multi-Year or Multi-Stage Development. In the case where development is projected over a period of years, the City may authorize submission of preliminary/final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as the City finds essential for the protection of any finally approved section or stage of the development.

1347.05. APPROVAL OF IMPROVEMENTS.

A. Advance Notice by Developer of Construction of Improvements.

1. Meetings. Prior to construction or installation of improvements in any new phase or any major facet of construction, the developer or his/her representative shall contact the City Engineer to determine whether a pre-construction meeting is needed. The City Engineer may require that such meeting be attended by the responsible contractor(s) and responsible representatives of the developer. In addition, meetings may be required with the utility companies as needed. The applicant should assume that a pre-construction meeting will be required.
2. The developer or his/her representative shall provide a minimum of 3 business days prior notice to the City Staff prior to beginning each major facet of construction, in order to allow the scheduling of inspections. See also Section 1349.04.(k)(11), which requires advance notice for street construction.
3. See Section 1347.06.A.1.a concerning improvements completed without proper City inspection.

- B. Request for Release of Security. As the work of installing the required improvements proceeds, the party posting the financial security may request the City to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the City, and the City shall have 45 days from receipt of such request within which to allow the City Engineer to certify, in writing, to the City that such portion of the work upon the improvements has been completed in accordance with the approved preliminary/final plan. Upon such certification the City shall authorize release by the bonding company or lending institution of an amount as estimated by the City

Engineer fairly representing the value of the improvements completed or, if the City fails to act within said 45-day period, the City shall be deemed to have approved the release of funds as requested. The City may, prior to release at the time of completion and certification by the City Engineer, retain 10% of the estimated cost of the remaining improvements.

- C. Completion of Unaccepted Improvements. The developer shall complete any required improvements that the City Engineer determines are not satisfactory or complete. Upon completion, the applicant may request approval in conformance with the procedures specified in this Section.

1347.06

FINAL RELEASE OF RETAINAGE OF FINANCIAL SECURITY; MAINTENANCE GUARANTY.

- A. General Rule. When the developer has completed all of the required, necessary and appropriate improvements, the process pertaining to the release of any financial security provided by the developer, regardless of type, shall strictly follow the provisions of Section 510 of the MPC.
- B. Special Rule for improvements dedicated to City (sometimes known as “maintenance guarantee”). Where the City accepts dedication of all or some of the required improvements following completion, the City may require the posting of financial security to secure structural integrity of said dedicated improvements as well as the functioning of said dedicated improvements in accordance with the design and specifications as depicted on the approved preliminary/final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as may be approved by the City Solicitor and as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said dedicated improvements. The process pertaining to the release of such post-dedication financial security provided by the developer, regardless of type, shall strictly follow the provisions of Section 510 of the MPC.
- C. Special Rule for improvements dedicated to public utilities and municipal authorities (sometimes known as “maintenance guarantee” for such entities). A developer’s maintenance guarantee for any public utility or municipal authority shall be governed by the agreement or legal obligation of the developer to such public utility or authority and not by the developer’s agreement with the City unless the latter agreement provides otherwise.

1347.07.

REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

- A. Enforcement of Security.
  - 1. The City shall have the authority to use remedies to effect completion of required improvements as provided in Section 511 of the MPC. In addition, the City may pursue, where applicable, preventive remedies as provided in Section 515.1 of the MPC and may pursue civil enforcement of any violation of this Ordinance pursuant to Section 515.3 of the MPC.

- a. Construction without inspection. If required improvements have been completed without providing the City Engineer or his/her representatives with proper opportunity for inspection, and as a result the City Engineer cannot determine whether the improvements were properly constructed, then the City may require that the developer, at the developer's expense, remove, replace, sample, test or reconstruct such improvements as necessary to determine compliance with this Ordinance and other applicable City standards.
2. Rate of Construction. Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Ordinance and a cause for default of the security.
  - B. Completion by City. If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the City may, at its option, decide to install or replace part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
  - C. Proceeds for Installation of Improvements. The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security and directly related administrative costs.

**ARTICLE 1348**  
**Recording of Preliminary/Final Plan; As Built Plans**

1348.01. RECORDING OF PRELIMINARY/FINAL PLAN.

A. General Requirement; PennDOT Permit. All preliminary/final plans approved under Articles 1345 or 1346 of this Ordinance shall be executed by the City and released for recording upon proof that all conditions of approval have been met, all fees and costs have been paid to the City related to the review and approval, and in strict compliance with Sections 509 and 513(a) of the MPC. Sketch plans are not recorded.

1. The failure of an applicant to obtain a required Highway Occupancy Permit from PennDOT to satisfy a condition of approval shall not by itself delay the recording of the Preliminary/Final Plan if the approved plan to be recorded contains the following two notes, or closely similar language:

- a. "A Highway Occupancy Permit is required pursuant to Section 430 of the State Highway Law before driveway access to a State highway is permitted." and
- b. A notice that access to a State highway shall be only as authorized by a valid Highway Occupancy Permit.

B. Recording Deadline.

1. The Applicant is responsible to ensure that the preliminary/final plan that has been approved under Article 1345 or 1346 is recorded within 90 days after final approval, or in the case of a plan that received conditional approval, within 90 days after the City signs the preliminary/final plan, whichever occurs later. Minor land development plans are not required to be recorded unless so directed by the Planning and Zoning Director.

- a. In the case of conditional plan approval, the applicant shall have two years following the date the preliminary/final plan approval was transmitted in writing to the applicant to prove to the City that all of the conditions upon the preliminary/final plan approval have been met. Upon good cause demonstrated by the developer in writing, the Planning and Zoning Director may extend this period by written memorandum, a copy of which shall be promptly sent to the developer. In the event the Planning and Zoning Director fails to act upon the extension request within 30 days after receipt, the request shall be deemed denied, without any further action being required by the Director.
- b. Failure to record the preliminary/final plan within the specified time periods shall cause the approval of the plan to become null and void.

1348.02. RECORD PLAN. The applicant shall provide to the City one signed reproducible and one signed paper copy of the record plan, unless the County Recorder of Deeds Office requires a different format. The applicant shall also provide the City with a copy of a receipt or similar document showing the date when the plan was recorded. The copies provided to the City shall be exact copies of those portions of the approved preliminary/final plan that the City requires to be recorded.

1348.03. EFFECT OF RECORDING.

- A. Private Improvements. Every street, park, or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, open space, or improvement until such time as it may be offered and officially accepted by the City through dedication, or is duly acquired by the City pursuant to ordinance, resolution, or such action as may qualify as a taking under the Eminent Domain Code.
- B. Dedication of Improvements. The record plan shall state by formal notation whether the streets, any common open space and other proposed improvements are proposed to be offered or not offered for dedication to the City.

1348.04. AS-BUILT PLANS AND CAD FILES.

- A. Upon the completion of the construction of all improvements required by the preliminary/final plan, the developer shall prepare and submit a mylar (or equivalent material) copy of the As-Built Plan of the development and a CAD file. The As-Built Plan shall show the locations and dimensions of completed material improvements. The submission of the As-Built Plan shall be regarded as prerequisite to final City inspection of the site, and as prerequisite to the developer's release from the financial security and prerequisite to any acceptance of dedicated improvements.
- B. Plan Compatibility with GIS/Computer Aided Design (CAD): All plan submissions and plan revisions shall include drawings and a digital file of the drawings. This subsection B. shall apply unless an alternative standard is allowed by the Bureau of Engineering Staff. All final drawings shall show North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) coordinates in feet and the digital file shall be in North American Datum (NAD) (1983) State Plane Pennsylvania South (FIPS 3702) coordinates in feet as applicable. All digital files shall reside on a flash drive, DVD, CD or similar method acceptable to the City, containing the digital representation of the preliminary/final plan. The digital map shall be AutoCAD compatible. All layers included in the digital maps shall be the standardized layers prepared and utilized by the City to ensure compatibility **with the City's existing CAD standards and as described in the Appendix A of this Ordinance, or a successor document from the City.**

## **ARTICLE 1349**

### **Design Standards and Required Improvements**

1349.01. APPLICABILITY.

- A. Minimum Requirements. The design standards and improvements required in this Article are the minimum requirements for approval of a subdivision or land development.
- B. Modifications, Waivers and Exceptions. See Section 1341.07 of this Ordinance.

1349.02. REQUIRED IMPROVEMENTS. This Article sets forth the design and construction standards for required improvements, regardless of whether the improvement will be dedicated to the City.

1349.03. OVERALL REQUIREMENTS; EROSION CONTROL.

- A. Land shall be suitable for the purpose for which it is to be subdivided or developed.
- B. Hazardous Conditions. Subdivisions or land developments subject to hazardous conditions (such as open quarries, hazardous or toxic site pollution, limestone solution channels, unconsolidated fill, excessive erosion or unsafe water supply) shall not be approved until the developer has provided or has legally committed to provide adequate measures to overcome or eliminate the hazards, in the determination of the City.
  - 1. Flood-Prone Areas. Land shall not be developed in a way that would aggravate flooding hazards. See the City Stormwater Regulations (Article 925) and Article 1317 of the Zoning Ordinance.
- C. Steep Slopes. Land situated on slopes greater than 15 percent shall not be used for development purposes unless topographic information of the area is submitted to the City and the development meets the requirements of Article 1316 of the Zoning Ordinance. Where slopes of greater than 15 percent are proposed to be built upon or re-graded, the applicant shall identify any erosion, storm water drainage or similar problems which might be created by the proposed development. The applicant shall then propose adequate safeguards to be used or implemented during and after the construction process which would alleviate any such problems.
- D. Nearby Development. A subdivision or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods to result in the area developing harmoniously and to avoid conflicts between neighboring development.
- E. Erosion Control.
  - 1. Plans. An erosion and sediment pollution control (E&SPC) plan shall be submitted where required under State regulations or where total earth disturbance will affect 5,000 square feet or more of land area, whichever is more inclusive, or where City or State regulations require a review and

approval by the County Conservation District. Where required, it shall be the responsibility of the applicant to submit the E&SPC Plan, application, fees and other necessary material to the Conservation District. A copy of the transmittal letter shall be provided to the City. The City requires an E&SPC Plan be compatible with Article 925 (Stormwater Management Regulations) prior to or as a condition of City approval.

2. Ground Cover and Top Soil. After completion of construction on a lot, all exposed ground surfaces that are not hard-surfaced, naturally rock-covered, or covered by approved stones or similar material shall be covered by a minimum of 6 inches of topsoil and a vegetative ground cover that will prevent soil erosion and the raising of dust.
3. Measures. Any earth disturbance shall be controlled by proper measures to prevent soil erosion and sedimentation, following DEP regulations and standards of the County Conservation District.
  - a. Compliance with an E&SPC plan shall be an automatic condition of any approval or permit under this Ordinance.
  - b. City permits may be suspended if earth disturbance does not comply with the E&SPC Plan.
4. Both the owner of the property at the time of any earth disturbance and the person(s)/company accomplishing the work shall be responsible to ensure that adequate erosion control measures are used, and that the grading is in compliance with the E&SPC plan.
5. All lots, tracts, or parcels shall be graded in accordance with the stormwater requirements of the City (Article 925) to provide proper drainage away from buildings and to avoid increased hazards to other properties.
6. Grading shall be done in such a way so as to not divert water (other than amounts of runoff that previously occurred) onto the property of another landowner, without the approval of the City.
7. During grading operations, necessary measures for off-premises dust and mud control shall be exercised at all times in accordance with the approved E&SPC plan.
8. Grading equipment shall only be allowed to cross streams in an approved manner. Provisions shall be made for the installation of temporary culverts and/or bridges as necessary and such crossings shall meet with requirements of DEP and/or other applicable agencies.
9. Excavations, Fills and Retaining Walls.
  - a. Cut slopes shall be no steeper than 2:1, unless stabilized by a retaining wall or cribbing. Fill slopes shall be no steeper than 3:1, unless stabilized by a retaining wall or cribbing. All slopes exceeding 3:1 must have suitable protection against erosion until stabilization is achieved.

- (1) Plans submitted to the Bureau of Planning and Zoning shall show the exterior appearance of a retaining wall that will be visible from a street or another dwelling. Note: Retaining walls of 4 feet or greater are typically also regulated by the Construction Code. Retaining walls five (5) feet or greater are also regulated by the Zoning Ordinance.
- b. Fills shall be placed and compacted so as to minimize sliding or erosion of soil.
- c. Fill shall not encroach on watercourses or decrease the net capacity of floodplains or channels.
- d. Fill placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding and significant precipitation events.

1349.04. STREETS.

A. Access to Streets.

1. All proposed subdivisions and land developments shall have adequate and safe access to the public street system.
2. Frontage; Private Street Standards.
  - a. See the Zoning Ordinance concerning access onto a street. If access for a new lot or a new land development is proposed onto a non-public street, such street shall be constructed to the same standards as a public street and have a permanent system to ensure adequate maintenance, except as provided in A.3. below.
  - b. If a lot is adjacent to two streets, the City may require that the lot shall only have vehicle access onto one street.
3. Private Streets and an Existing Lot. A pre-existing lawful lot of record that abuts an existing private street that does not meet City standards may have access for a single principal use onto such private street, but no new lot shall be created with access onto such street.
4. Access for Emergency Vehicles. Appendix D of the International Fire Code shall apply. Suitable access for emergency vehicles shall be provided within all subdivisions and land developments. Such access shall be offered for review by the Fire Department.

B. Streets and Topography. Proposed streets shall be adjusted to the contour of the land to produce usable lots and reasonably sloped streets. See the street grade regulations in Section 1349.04.F.

C. Street Continuations.

1. Stub Street Right-of-Way. Where deemed necessary by the City of Bethlehem efficient movement of traffic, a subdivision or land development shall include the extension of a street right-of-way to the boundary line of the parcel proposed for development, to provide for an eventual extension

into the adjacent tract for efficient circulation of traffic throughout the area. If a stub street is constructed, see Section 1349.04.I.4., which addresses temporary turnarounds.

- a. A sketch plan shall be submitted showing that the proposed stub street is at a logical location to link with an adjacent parcel.

2. Widening. Where a subdivision or land development abuts or contains an existing street of inadequate cartway or right-of-way width, additional right-of-way and/or cartway width shall be required conforming with the “Design Standards for Streets” table in Section 1349.04.F.

D. Intersections.

1. The centerlines of a new street intersection shall intersect at right angles, except where the Planning Commission grants a modification under Section 1341.07 after finding that a right-angle intersection is not feasible. In such case, the intersection shall be at as nearly a right angle as possible, with an absolute minimum angle of 75 degrees. Where a subdivision or land development is adjacent to an existing awkwardly aligned street intersection, the Planning Commission may require that the street intersection be re-aligned.
2. Alignment of Street Intersections.
  - a. No more than two streets shall intersect at the same point.
  - b. Where a proposed street or access drive intersects an existing cross street, such proposed street or access drive shall be aligned with any street intersecting on the other side of the cross street.
  - c. If a proposed street cannot intersect at the same location as a street on the other side of the cross street, then the proposed street shall be offset by the following minimum distances from the nearest intersection of streets:
    - 1) 150 feet along a local street,
    - 2) 400 feet along a collector street, and
    - 3) 800 feet along an arterial street.
    - 4) Measurement. The minimum distances of this subsection shall be measured between the points where the centerlines of the rights-of-way of the intersecting streets intersect with the centerline of the cross street.
    - 5) In these cases, pedestrian crosswalks shall direct pedestrian paths to a controlled intersection.
3. At street intersections, curb lines shall be rounded by arcs with the radii listed below, whichever is most restrictive. The right of way shall be maintained at least 10 feet from the inside of the curb line or edge of pavement. A larger radius may be required by the City where necessary for trucks or buses (such as off-site intersections) or by PennDOT.

Type of Street	Minimum Radius of Arc at Intersection of Pavement Edge or Curb Line (in feet)
Any street within an industrial district or that provides truck access to an industrial district (Heavy Industrial, Light Industrial, Planned Industrial only)	50
At least one arterial street, other than above	40
At least one collector street, but no arterial street, other than above	25
Local streets, other than above	15

4. The City may approve a smaller radius where it is intended to improve pedestrian safety.

E. Access Management.

1. Where a subdivision or land development abuts or contains an existing or proposed arterial or collector street, the City shall require:
  - a. The minimization of the number and length of driveway cuts or street intersections onto an arterial or collector street, which may include requiring the use of shared driveways between adjacent uses or lots, and/or
  - b. The restriction of ingress and egress involving left-hand turns onto or off of the arterial or collector street with City-approved medians, signage and/or other devices to prevent unauthorized turns, and/or
  - c. The prohibition of driveways from individual dwellings entering directly onto an arterial or collector street. If there is no alternative to this, each driveway entering onto an arterial or collector street shall have adequate turn-around space for vehicles provided within the lot so that vehicles do not back onto the street, and/or
  - d. The construction of a rear street to link driveways from two or more business lots to reach a more appropriate access point onto a more heavily traveled street.
2. Access to commercial and office lots within a subdivision or land development are required to use internal access and shared driveways, as opposed to separate driveway access to major streets from individual uses and lots.
3. See Section 1349.13 concerning access connections between commercial use parking lots.
4. A maximum of one access shall be permitted per lot onto any one arterial street, except: a) a maximum of one additional access point may be permitted if the applicant demonstrates through a capacity and circulation analysis that an additional access point is necessary to accommodate traffic to and from

- the site and can be achieved in a safe and efficient manner, or b) where specifically required by PennDOT.
5. Existing commercial lots that do not limit vehicle access along a street to defined driveway locations shall be modified to limit access to defined driveway locations as a condition of a new subdivision or land development approval.
  6. Unless specifically required otherwise by the City or PennDOT, where a property fronts on two or more streets, new vehicle access may be required to be located from the lowest functional classification street. For instance, if a lot abuts an arterial and a local street, the local street shall be used for access.
  7. See maximum driveway slope at approaches to a street in Section 1349.12. See sight distance requirements in Section 1349.04.H.

F. Street Design Standards.

1. Minimum street design standards shall be as shown in the “Design Standards for Streets” Table, unless PennDOT establishes a more restrictive requirement along a State street.
  - a. Rear or side alleys, shall have a minimum cartway width of 14 feet.
2. Shoulders. In addition to the cartway widths stated in the “Design Standards for Streets” Table, when a modification is approved to not require curbing, the street is required to include appropriate 4 feet wide shoulders on each side of the cartway of a street.
  - a. See construction standards in Section 1349.04.K.
  - b. If the shoulders are paved, they shall be separated by a stripe from the travel-lanes.
  - c. The Planning Commission may modify this requirement, such as where topography does not allow room for the shoulders, or where substantial healthy trees would need to be removed to provide the shoulder, or where a shoulder does not exist along the remainder of the street. This relief shall be considered in keeping with the standards outlined in Section 1341.07 (a)(1).
3. Horizontal curves shall connect street lines that are deflected in excess of 2 degrees. Vertical curves shall be used at changes of grade exceeding 1 percent. The length of the vertical curve shall be determined by the required sight distance specified in the “Design Standards for Streets” table. Vertical curves shall be calculated following the latest published standards of PennDOT. Horizontal curves shall be calculated based upon a standard AASHTO formula.
4. All approaches to intersections shall have a leveling area not greater than 4 percent grade for a minimum distance of 50 feet, measured from the nearest edge of cartway of the intersecting street. Vertical curves near an intersection

on a local street may be reduced to a 20 mile per hour design speed if a stop condition will be utilized.

5. The minimum grade of any street gutter shall be 1.0 percent.
6. A minimum tangent of 100 feet, measured from edge of cartway, shall be required between a curve and a street intersection.

**DESIGN STANDARDS FOR STREETS**  
(All Dimensions in Feet Unless Specified)

DESIGN SPECIFICATIONS	TYPE OF STREET:		
	Arterial	Collector	Local
Right-of-Way Width	**	60**	50
Cartway Width:			
– with no on-street parking	**	30	26*****
– with on-street parking on 1 side	**	34	30*****
– with on-street parking on 2 sides	**	40	34
Minimum Sight Distance*	500	300	200
Minimum Tangent between Reverse Curves, measured along the street centerline.	200	100	100
Minimum Centerline Radii for Horizontal Curves	500***	300	200
Maximum Grade	6%	8%	10%
Minimum Grade*****	0.75%	0.75%	0.75%

- \* These standards are for street stopping sight distance, not clear sight distance at intersections. Horizontal sight distances shall be measured from a point 3.5 feet above the street surface, and shall be based upon standards of PennDOT.
- \*\* As may be established by PennDOT along a State street.
- \*\*\* Larger radii may be required as determined to be needed by the City Engineer or PennDOT. The City may approve a reduced horizontal curve requirement if the applicant proves that the curve would not typically cause vehicles to cross the centerline and if such reduction is proven to be necessary because of the unique conditions of the property.
- \*\*\*\* A 34-foot wide minimum cartway width shall be required abutting a development of townhouses or apartments, unless the applicant proves all overflow parking needs will be fully met by off-street parking areas.
- \*\*\*\*\* For slopes less than or equal to 1%, a concrete gutter shall be installed to provide adequate drainage.

7. Second Access to Development. Any subdivision or land development of more than 30 dwelling units shall have at least two points of vehicle access into the development to reach one or more existing public streets. This requirement shall not apply where a building is located close enough to a street to provide adequate firefighting access. The Planning Commission may approve one of the vehicle access points to be limited to emergency vehicles, where a second street access is not feasible. See Section 1349.04.A.4. regarding emergency access.

8. See Section 1349.04.L. regarding improvements to existing streets.
9. Variations in Street Width. The City may approve variations in the paved width of a street to allow a curb extension to be constructed near an intersection, and then have the street include width for on-street parking along segments that are not near an intersection.

G. Street Crown.

1. With the exception of alleys and divided streets, streets shall be constructed with a center crowned cross-section with a minimum slope of 2 percent and a maximum slope of 4 percent from the street centerline, unless required otherwise by PennDOT for a State street.
2. An alley may have an inverted crown.

H. Clear Sight Triangle; Minimum Sight Distance.

1. Clear Sight Triangle.

- a. See the Clear Sight Triangle requirements in the Zoning Ordinance. (Section 1318.06.)
- b. In addition, where an intersection is not controlled by a traffic signal or an all-way stop, the City may require that a clear sight triangle be elongated where a new street or high-volume driveway will enter onto an arterial or collector street with a speed limit of 45 mph or greater. Such clear sight triangle shall be designed to keep an area free of sight obstructions that is equal in length along the arterial or collector street to the clear sight distance that would be required under PennDOT sight distance requirements. Such elongated clear sight triangle shall not be required by the City if the matter is regulated by PennDOT.

2. Sight Distances.

- a. An applicant requesting approval for access for a new street or driveway onto a City street shall prove that the new access would meet the same PennDOT sight distance requirements as if the street was a State street. See Section 441.8 of PennDOT highway occupancy regulations, or its successor sections, including the Safe Stopping Sight Distance table.
- b. If the applicant proves to the City that it is not possible to meet the desirable sight distances that are stated in PennDOT regulations, then the intersection shall be located at the point of maximum sight distances that are achievable within the street length of the property and shall meet the minimum required safe sight distances set forth in such PennDOT regulations.
- c. In the event that the applicant proves to the City that the minimum required safe sight distances cannot be met, then the City shall require one or more of the following:
  - 1) that the intersection be located at the point where maximum sight distance can be achieved;

- 2) the restriction of turning movements into or out of the intersection (such as no left turns into or out of the intersection);
  - 3) the installation of a right turn acceleration or deceleration lane;
  - 4) the installation of a left turn standby lane;
  - 5) that the horizontal or vertical alignment of the street be altered;
  - 6) an alternative form of access, such as a shared driveway with another lot, or access onto a different street; and/or
- d. In the event that turning movements from an intersection are to be restricted, the applicant shall provide a detailed design of the proposed intersection and an analysis of the anticipated impacts resulting from such restricted turning movements. The design and analysis shall be prepared by a professional engineer with experience in traffic engineering and shall address the following:
- 1) The impacts on other lots and streets within the vicinity that may be used by motorists for turnarounds.
  - 2) The impacts on public safety, considering sight distance and types of vehicles.
  - 3) The provision of appropriate methods to ensure compliance with the turning restrictions, such as channelization, alignment, and signage. Such methods shall meet applicable standards of PennDOT.

#### I. Cul-de-Sac Streets.

1. New cul-de-sac streets shall not be permitted, except as the City may allow as a temporary cul-de-sac street until a street is to be extended. If a cul-de-sac street is approved by the Planning Commission as a modification, it shall have a maximum length of 500 feet and shall have a turn-around with a minimum paved radius of 40 feet to the edge of the cartway. The radius of the right-of-way line return between the bulb and stem of cul-de-sac shall be a minimum of 150 feet. The curb line or pavement edge radius shall be a minimum of 160 feet. Cul-de-sacs shall have a fully paved cartway; however, a center landscape or parking island is proposed with if stormwater management and landscaping incorporated into the design and provided there is a sufficient turning radius for emergency vehicles and service vehicles.
2. Where a cul-de-sac is approved as a modification, the circular right-of-way of the cul-de-sac shall maintain a minimum 10-foot width between the edge of paving and the edge of the right-of-way. The circular paving of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than 50 feet.
  - a. The turn-around shall have a sufficient radius to allow movement by emergency vehicles and service vehicles, even if a vehicle is parked along the side of the cartway. To accomplish this, a 24-foot wide paved cartway shall be provided.

- b. Where a landscaped island is approved in the center of the cul-de-sac, any curbing should be of a mountable design to provide better access for emergency vehicles. The City shall require the establishment of a homeowner association to maintain any landscaped island.
  3. No street shall dead-end without an approved turn-around at the end of the street. Temporary stub streets shall be required to include at least a temporary cul-de-sac, if the stub would serve 3 or more dwellings or lots. In such case, the temporary cul-de-sac land area that is excess shall revert to the adjacent landowners after the turnaround is no longer used. Areas of a temporary cul-de-sac turnaround that are within a proposed street extension shall be constructed to public street construction standards.
  4. The City may require that a cul-de-sac street near the edge of a subdivision or land development include provisions to allow the street to be extended in the future onto an adjacent tract. This shall include provisions for a public street right-of-way to the edge of the tract. In such case, the construction costs to extend the street shall be borne by the adjacent developer in the future.
- J. Maintenance of a Non-Public Street. As a condition for Final Plan approval, the developer must enter into a legally binding agreement which shall state who is to be responsible for the improvement and maintenance of any street not approved to become dedicated in the future. If an association of property owners is to be made responsible, such association must be legally organized according to a timetable approved by the City, and the documents shall be subject to acceptance by the City Solicitor for legal form.

K. Street Design and Construction Standards.

1. Streets (and alleys where provided) shall: a) be graded, improved and surfaced to the grades and dimensions shown on plans, profiles and cross-sections approved by the Planning Commission, and b) meet applicable City standards. All street designs shall be reviewed and approved by the Department of Public Works.
2. Right-of-Way Grading.
  - a. The right-of-way shall be graded according to the cross-section submitted by the applicant after it has been approved. The excavation shall be backfilled and suitably compacted to the satisfaction of the City Engineer.
  - b. The finished street surface shall be crowned in conformance with City specifications.
  - c. A proper super-elevation (banked curves) shall be provided on arterial and collector streets.
3. Grading Beyond Right-of-Way.
  - a. The subdivider or developer may be required to grade beyond the right-of-way line in order to provide continuous slope from the right-

- of-way line to the existing / proposed elevation of the abutting property.
- b. Such grading beyond the right-of-way shall generally maintain the original directions of slope except where storm water runoff designs dictate changes.
  - c. Approved plans, either preliminary or final, showing proposed grading, shall be binding upon all future lot owners.
  - d. In no case shall the required street grading extend onto an adjoining property with a different landowner, unless the other adjoining property owner gives a written agreement to the developer to accomplish such work. A copy of such agreement shall be provided to the City.
4. Trench Excavation. All trenches excavated within the cartway of an existing or proposed public street or right-of-way shall be mechanically compacted with backfill acceptable to the City Engineer. See also Federal Occupational and Safety regulations for trenching.
  5. Drainage of streets shall comply with City Stormwater Management requirements.
  6. Street and Alley Construction Standards. All street pavements shall comply with the provisions of this Section, except that PennDOT shall determine the required cross-section for a State street.
    - a. All materials, construction procedures and other specifications shall be in conformance with the PennDOT Publication 408.
    - b. A compacted stable sub-base shall be provided. Materials that are unsuitable, wet soils and soils subject to frost-heave shall be removed and replaced, drained or otherwise stabilized to handle anticipated loads.
    - c. For a street with a cartway width of 34 feet or less that does not routinely experience tractor-trailer truck traffic, the minimum street paving construction shall consist of a minimum of 6 inches compacted thickness of graded crushed stone base course (slag shall not be permitted), 6 inches compacted thickness superpave base installed in 2 courses, and a 1.5-inch superpave wearing course.
    - d. Where the cartway width in any street shall exceed 34 feet or where the street will routinely experience tractor-trailer traffic, the minimum street paving construction shall consist of a minimum of 6 inches compacted thickness of graded crushed stone base course (slag shall not be permitted), 7.5 inches compacted thickness superpave base installed in 2 courses, and a 1.5-inch superpave wearing course.
    - e. All street construction materials shall be certified in writing by the supplier as meeting PennDOT or City specifications as applicable. The City may require that a developer provide testing results for paving materials.

7. Sub-drains. In poorly drained areas, suitable sub-grade drains or parallel drains may be required by the City. Sub-grade drains shall conform to PennDOT Publication 408 and shall be provided with a suitable outlet.
8. Public Alleys and Shared Driveways. Alleys serving more than one lot shall be constructed with a 6-inch minimum compacted depth stone sub-base, 4-inch minimum compacted depth bituminous base course, and a 2-inch minimum compacted depth surface course. Shared driveways shall only be allowed under the conditions of Section 1349.12.E. If a shared driveway is more than 300 feet long, it shall include at least one 9 by 20 feet layby area for every 300 feet that allows one car to wait while another car proceeds.
9. Guide-Rails. Streets shall be designed with geometric features that minimize the need for guide-rails. Guide-rails shall only be installed where the result of striking an object or leaving the roadway would be more severe than the consequence of striking the guide-rail.
  - a. Guide-rails shall be installed by the developer where necessary to meet the guide-rail standards in the PennDOT publication 13M, "Highway Design Manual", or where otherwise required by the City. Guide-rails shall meet the construction standards of PennDOT Publication 408 and PennDOT Standards for Roadway Construction.
10. Street Inspections. The entity constructing a street shall provide the Department of Public Works with a minimum 5 business days advance notice before the start of initial construction of improvements and a minimum 2 business days advance notice before the following street construction is accomplished so that an inspection may be scheduled:
  - a. Preparation of the street sub-grade.
  - b. Installation of the street sub-base.
11. No street paving work shall be undertaken without the City Engineer's written approval, and not until after the complete installation of all water mains, including service lines for house connections, underground gas and electric facilities, sanitary sewers and facilities, storm water sewers and appurtenances, and any other sub-surface utilities.
12. All street paving work shall be performed by a reputable street paving contractor. Any street paving contractor employed to perform street paving work must, whenever requested by the Department of Public Works, furnish a work qualification statement as to contractor experience, as well as his financial ability to perform the street cartway paving required by these regulations.
  - a. Note: The City typically requires a moratorium on excavations into recently repaved streets, except during emergency conditions.
13. Weather and Paving. When paving or concrete work is conducted for streets, sidewalks, curbs or similar City-required improvements, PennDOT temperature standards shall provide guidance. The City Engineer or a City inspector may require a delay in such paving or concrete work, if there is a concern about temperatures during the application and curing times.

14. Bicycling. All new and widened streets should be designed to consider bicycle traffic. For example, this can be accomplished by separating traffic lanes from a shoulder or parking lane by a white line.
15. Porous Surfaces. Applicants are strongly encouraged to consider suitable alternative surfaces that allow infiltration. Where porous/ pervious surfaces are used for streets, driveways, or public sidewalks, a construction detail shall be provided to the City, along with information that shows the material is be suitable for its intended purpose. The location and construction detail for the porous/pervious material shall be subject to approval by the City.
16. Pedestrian Improvements. Crosswalks, sidewalk bumpouts, hand man signalization, and other appropriate pedestrian amenities shall be incorporated into all street designs where applicable.
17. Transit. Bus Shelters shall be incorporated into all streetscape designs.

L. Required Transportation Improvements.

1. Purpose. In recognition of Sections 503(2)(ii) and 503(3) of the Municipalities Planning Code, this Section is primarily intended to ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective vehicular, pedestrian and bicycle modes of transportation and to facilitate fire protection and to ensure that the access into and out of subdivisions and land developments is sufficiently safe for all modes of transportation.
2. Process. This sub-section "L." shall be carried out through determinations of the Planning Commission, after considering any recommendations of the City Traffic Superintendent, the applicant, the applicant's professional representatives, any comments from PennDOT that may be provided regarding a State street, and any professional transportation studies that may have been submitted.
3. On-Site / Abutting Transportation Improvements. If there is a reasonable relationship between the need for an "on-site improvement" and the traffic created by a proposed subdivision or land development, the applicant for such subdivision or land development shall be required to complete the needed improvement or fund his/her fair share of the cost of such transportation improvement and to dedicate sufficient street right-of-way for needed improvements.
  - a. Widening of Abutting Street. An applicant for any land development or subdivision shall be required to widen, pave and improve any abutting street and provide additional right-of-way as needed to meet current City standards.
  - b. Existing Streets with Insufficient Right-of-Way. Where a public street exists with a right-of-way of less than the width required by this Section, then as part of any new subdivision or land

development, additional right-of-way shall be dedicated to bring the adjacent street segment into conformance. For example, if a street has a 33-foot-wide right-of-way, and a 50-foot-wide right-of-way is required, and a subdivision only involves one side of the street, then the applicant shall dedicate 8.5 feet of additional right-of-way so that there is at least 25 feet of right-of-way from the original centerline of the street.

- 1) Where a State-owned street is involved, and PennDOT does not wish to accept the additional right-of-way, then the right-of-way shall be offered to the City. If the City does not wish to accept the additional right-of-way on a State or City street, then the record plan shall state that the right-of-way shall be reserved for dedication in the future if needed.
  - c. Bicycle/Pedestrian Improvements and Transit Improvements. All developments shall incorporate these improvements to increase walkability.
  - d. Such improvements shall be required unless PennDOT specifically refuses in writing to allow such improvement to a State street in the foreseeable future.
  - e. Any improvement to a State street shall meet all PennDOT standards.
4. Funding. In place of completing a required street improvement as a condition of final approval, an applicant may enter into a legally binding development agreement with the City for the applicant to fund the improvement, or his/her fair share of such improvement, as determined by the Planning Commission.
  5. Staging. Any completion or funding of a required improvement may occur in stages in relationship to the stages of the development, if so, stated in a legally binding development agreement and/or as a condition of final plan approval.

#### M. Transportation Impact Studies.

1. Purpose.
  - a. To allow the City of Bethlehem to determine the safety and congestion impacts, and related costs, of proposed major transportation generating uses.
  - b. To require that applicants respond with reasonable proposals to resolve the negative transportation impacts that their proposed uses will cause on the public.
  - c. To recognize that sufficient Federal, State and City funds are not available to resolve transportation problems caused by private development.
  - d. To assist in carrying out Sections 503(2)(ii) and 503(3) of the Pennsylvania Municipalities Planning Code as amended.
  - e. To ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection.

- f. To ensure that the access into and out of subdivisions and land developments is reasonably safe.
- g. To implement recommendations of Vision Zero, the Climate Action Plan, and Complete Streets policies and programs.
- h. To promote the construction of transportation infrastructure which can accommodate pedestrians, bicyclists, mass transit services, vehicles, trucks and emergency service vehicles.
- i. To promote safe on-site sheltered or indoor bike parking for all buildings over 20,000 sf or containing more than 20 dwelling units.
- j. To participate in the creation of City bike routes in the vicinity of proposed development.

2. Transportation Study Administration.

- a. The full cost of the transportation study shall be borne by the applicant.
- b. The transportation study shall be reviewed by the City and/or City's consulting Transportation Engineer, the cost of which shall also be borne by the applicant. The applicant shall provide the appropriate escrow, as described by resolution by the City of Bethlehem, to ensure the payment of the costs of such transportation study review.
- c. The author for any transportation study shall be a Pennsylvania registered professional engineer with expertise in the preparation of transportation impact studies.
- d. The City shall require onsite transportation improvements to be provided by the applicant, as the City deems appropriate, in light of the transportation study as a specific condition of Final Plan approval for all land developments and/or subdivisions for which a study has been required. The study shall identify improvements/facilities to be installed or actions to be undertaken by the applicant.
- e. Joint transportation studies between different applicants are acceptable and are strongly encouraged.
- f. The City will ensure that the selected consulting Transportation Engineer for any project does not have an active professional relationship with the applicant for the land development or subdivision plan, to ensure there is not a conflict of interest.

3. Contents of the Transportation Impact Study.

- a. Applicants must submit trip generation calculations showing the proposed trips to be generated by the development. These calculations shall be based upon the Institute of Transportation Engineers' (ITE) latest trip generation manual.
  - (1) If the proposed trips are between 1 - 24 trips in the peak direction (inbound or outbound) during the site's peak traffic hour, no study is required, but trip generation calculations shall be submitted (ITE Trip Generation Manual latest edition); however, the City reserves the right to require additional measures to mitigate any negative impacts proposed traffic from the site will generate.
  - (2) If the proposed development is expected to result in more than 25 and up to 49 new motor vehicle trips being generated

by the use during the use's peak hour, a limited transportation impact study is required to address pedestrian safety concerns related to access to the site.

- (3) If the proposed trips are between 50 and up to 100 new motor vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour, a transportation impact study shall be submitted meeting the requirements of this section as part of any Preliminary/Final Plan submission:
  - (a) The study shall address traffic, pedestrian safety analysis and traffic calming analysis, and shall be submitted at the time of Preliminary/Final Plan application and shall include:
    - (i) Projected peak AM, PM, and/or Saturday traffic volumes of the development,
    - (ii) Projected ADT (average daily trips) of the development,
    - (iii) Current ADT and peak hour volumes of streets adjacent to any access drives,
    - (iv) LOS (level of service) of existing and proposed access drives as defined by the Transportation Research Board Highway Capacity Manual (most recent edition),
    - (v) Modal split of services (categories of vehicles) entering the site,
    - (vi) Proposed sight distances at street entrances and study intersections,
    - (vii) Existing and proposed pedestrian paths from streets and within the site to entrances of all buildings,
    - (viii) Intersections that were studied,
    - (ix) Nearby transit routes and stops, and
    - (x) Nearby bicycle and pedestrian trails and routes.
  - (b) The study shall identify improvements/facilities to be installed or actions to be undertaken by the applicant to ensure the following:
    - (i) A Level of Service of C or higher overall for all new vehicle entrances to the development,
    - (ii) For study intersections, the development will not cause an increase in traffic delay of more than 10 seconds for existing street intersections. If an applicant cannot meet this requirement an analysis shall be completed to show that all reasonable options have been considered to create the most efficient access possible,
    - (iii) Sight distances for all access drives intersecting with all streets shall meet City

- and/or PennDOT requirements as applicable,
- (iv) If pedestrian paths cross vehicular drives and parking areas within the site, adequate measures to ensure pedestrian safety,
  - (v) Safe pedestrian access (such as a need for a crosswalk, trail or ADA ramp) and, if feasible, bicycle access to the site, and
  - (vi) Appropriate traffic calming measures shall be outlined. See Section 1349.04.N. below.
- (4) If the proposed development generates more than 100 new motor vehicle trips during the site's peak traffic hour, or where current traffic problems exist in the local area, such as high crash locations or confusing or congested intersections which directly affect access to and from the development, a transportation impact study meeting the requirements of this section, including pedestrian safety analysis and appropriate traffic calming measures, shall be submitted at the time of Preliminary/Final Plan application. The study area shall include all public streets and intersections within a radius of 1,600 feet of an access drive to the site, unless the City and/or the City's consulting Traffic Engineer determine that another study area shall be more appropriate.
- (a) The full study and pedestrian safety analysis shall include, at a minimum, the following:
    - (i) Current ADT and peak hour volumes of all streets,
    - (ii) Current LOS and delay of all intersections,
    - (iii) Projected ADT and peak hour volumes of all streets without the development,
    - (iv) Projected LOS of all intersections without the development,
    - (v) Site traffic generation, including projected ADT and peak hour volumes of the development,
    - (vi) Site traffic distribution,
    - (vii) Site traffic assignment,
    - (viii) Projected ADT and peak hour volumes of all streets and intersections within the development,
    - (ix) Projected LOS of all intersections within the development, including all existing and proposed access drives,
    - (x) An assessment of the change in roadway operating conditions resulting from the development traffic,
    - (xi) Modal split of vehicles entering the site,

- (xii) Proposed sight distances at street entrances and study intersections,
  - (xiii) Existing and proposed pedestrian paths from streets and within the site to entrances of all buildings,
  - (xiv) Proposed facilities to accommodate mass transit and bicycle access to site, and
  - (xv) Available existing crash data for study intersections.
- (b) The study shall identify improvements/facilities to be installed or actions to be undertaken by the applicant to ensure the following:
- (i) LOS of C or better overall for all new vehicle entrances to the development,
  - (ii) For study intersections, the development will not cause an increase in traffic delay of more than 10 seconds. If an applicant cannot meet this requirement an analysis shall be completed to show that all reasonable options have been considered to create the most efficient access possible,
  - (iii) No reduction in the levels of service of intersections within the study area as a result of the development; however, if the intersection already has an LOS F, no reduction in the intersection delay shall occur,
  - (iv) Sight distances for all access drives intersecting with all rights-of-way shall meet City and/or PennDOT requirements as applicable,
  - (v) Where high incidence of crashes for any adjacent intersection exists, safe sight distances, adequate traffic control restrictions, and safe pedestrian crossings for each adjacent impacted intersection,
  - (vi) If any access drive is within 1,600 feet of the property line of any public or private elementary or secondary school (Note: 1,600 feet is the maximum length of a school zone in accordance with PennDOT publications 201), safe pedestrian crossings for all access drives,
  - (vii) If pedestrian paths cross vehicular routes within the development, adequate marked pedestrian crossings and traffic flow restrictions to improve pedestrian safety,
  - (viii) Provision of mass transit access to the site such as provisions for a bus stop and

- shelter, in consultation with the transit provider,
- (ix) Safe pedestrian access (such as a need for a marked crosswalk [with highly visible colored textured crosswalks being encouraged], bulb out curb extensions, a trail link or ADA ramp),
- (x) Provisions for improved bicycle access to the site, and
- (xi) Appropriate traffic calming measures shall be outlined, as described in N. below.

N. Traffic Calming Measures: Crosswalks.

1. The City may require the installation of “traffic calming measures” for streets and access drives. Traffic calming measures are devices, systems, and programs described in the latest issue of PennDOT, Publication 383, “Pennsylvania’s Traffic Calming Handbook” or its successor publication. The criteria used to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings shall be in accordance with accepted traffic engineering principles and Publication No. 383.
  2. Pedestrian Crossings. The City may require that a pedestrian access easement be provided to provide pedestrian access where street connections are not available to serve the same purpose.
  3. The City may require a marked crosswalk be created across a street or a major driveway or access drive.
  4. The City shall require pedestrian walkways from the public sidewalk to the proposed building on any land development plan.
- O. Public Transit Access. Where a proposed development is adjacent to or near an existing or proposed LANTA route, the City may require that a subdivision or land development include provisions for mass transit or paratransit van access to the site, in consultation with LANTA. This may include a sidewalk to reach a bus stop, a location for a bus stop, a shelter for a bus stop, or lighting for transit passengers. For businesses, an employee and/or customer entrance should be placed within a reasonable walking distance from any bus stop, and should include a safe ADA-accessible pedestrian route from the pedestrian building entrance through any parking lot to access any bus stop. Any provision for bus or van access shall consider the turning radius of the transit vehicle. Where a bus or paratransit stop would be next to a building, a building overhang or awning should be considered to provide protection from summer heat, snow and rain for transit users.

1349.05. BLOCKS.

- A. Maximum Length. Residential blocks shall not exceed 2,000 feet in length in subdivisions using an average lot size of 1 acre or larger and shall not exceed 1,500 feet in length in subdivisions having an average lot size less than 1 acre.
- B. Blocks should be of sufficient width to permit 2 tiers of lots, except where access is limited by existing streets or topographic limitations.

1349.06. LOTS.

- A. Zoning. All lots shall conform to all requirements of the City Zoning Ordinance, that are in effect at the time such subdivision or land development plan was duly submitted.
- B. Side lot lines shall abut and be approximately at right angles to straight streets and on radial lines to curved streets. Pointed or very irregularly shaped lots shall be avoided.

1349.07. RECREATION AREAS AND FEES.

- A. Purposes. To provide adequate park and recreational lands and facilities to serve inhabitants/occupants of new and expanded developments, for both active and passive recreation. To recognize and carry out the City of Bethlehem Parks and Recreation Plan and relevant portions of the Comprehensive Plan.
- B. Applicability. This section shall apply to any subdivision or land development for which a plan is submitted after the effective date of this amendment.
  - 1. This Section 1349.07 shall not apply to applications that:
    - a. the City Planning Bureau determines only involve adjustments or corrections to an approved preliminary or final subdivision or land development plan, provided the adjustments do not increase the number of proposed dwelling units; or
    - b. only involve non-commercial recreation land or buildings, primary or secondary schools, colleges, universities and places of worship.
  - 2. The City shall waive these fees for any residential units that utilize any federal, state, or local public funds, tax credits, or other similar financial programs in which the owner agrees to keep the housing units affordable for low- and moderate-income residents based on the affordability guidelines in the specific program or programs used in financing the housing units. Financing programs would include but not be limited to the use of Federal Community Development Block Grant (CDBG) and HOME Investment Partnership funds, Pennsylvania Housing Finance Agency tax credit or other financing programs, programs using public housing funding, local or county affordable housing trust fund projects, or programs using funding provided for low-and moderate-income housing by foundations or not-for-profit organizations. The specific term of affordability would be established under the terms of the individual programs used in the financing of the units.

C. Limitations on Use of Fees.

1. Fees collected under this section shall be accounted for separately from other City funds, with interest earnings retained in such account.
2. To make sure that the lands and facilities are accessible to the inhabitants of the developments that paid fees towards their cost, such fees should only be used within a recreation area open to the general public.
3. Such fees shall only be used for the following: acquisition of public recreation land and open space, development of public recreational facilities, landscaping of public lands and closely related engineering and design work.

D. Land to be Preserved. Any subdivision or land development regulated under this Section 1347.07 shall be required to dedicate the specified amount of recreation land, unless: a) the City and the applicant mutually agree that recreation fees shall be required in-lieu of land or b) the applicant does not propose to dedicate recreation land meeting City requirements and the City determines that fees shall be required instead of a land requirement. The Bureau of Planning and Zoning shall make this determination in consultation with the Recreation Bureau.

1. As a general non-binding guideline, it is the intent of this Section that developments that would otherwise be required to provide less than two acres of new recreation land should be required to pay a recreation fee in lieu of dedicating land, unless the recreation land would be connected to adjacent recreation land.
2. The land and fee requirements of this section shall be based upon the number of new dwelling units and the square feet of floor area within new principal non-residential buildings that would be allowed on the lots of a subdivision or land development after approval.
3. Prime Recreation Land. For the purposes of this section, the term “Prime Recreation Land” shall mean land proposed to be established as recreation land that would meet all of the following standards:
  - a. less than 6 percent slope,
  - b. not a “wetland” under Federal and/or State regulations,
  - c. be part of a contiguous tract of at least 2 acres (which may include existing adjacent recreation land), and
  - d. not be within the “100 Year Floodplain” as defined by official floodplain maps of the City.

4. Amount of Recreation Land. If a subdivision or land development is required to include recreation land, the following amounts for each permitted new dwelling unit shall apply:

Percentage of the Total Required Recreation Land that Would Meet the Definition of “Prime Recreation Land”:	Minimum Required Recreation Land Per Permitted Dwelling Unit
0% to 25.0%	4,400 square feet
25.1% to 75.0%	2,200 square feet
75.1% to 100%	1,100 square feet

5. Non-Residential Development. If a subdivision or land development is required to include recreation land, a minimum of 5 percent of the total lot area of all non-residential lots within the subdivision or land development shall be required to be dedicated as Recreation land. (Note - In most cases, the general intent is to seek fees in lieu of land for non-residential development.)
- E. Fees. If the City determines that a proposed subdivision or land development is required to pay fees-in-lieu of dedicating recreation land, this fee shall be as established by separate City resolution, which may be updated from time to time.
- F. Decision on Land vs. Fees. The determination of whether a land dedication or fee should be required should, at a minimum, consider the following in this decision:
1. Whether the land in that location would serve a valid public purpose.
  2. Whether there is potential to make a desirable addition to an existing public or School District recreation area or to create a greenway along a creek.
  3. Whether the proposed land would meet the objectives and requirements of this section and any relevant policies of the City Parks and Recreation Plan.
  4. Whether the area surrounding the proposed development has sufficient existing recreation land, and whether it is possible for pedestrians and bicyclists to reach those lands.
  5. Any recommendations that may be received from the Planning Commission, the City Engineer, the local School Board or School District staff and the City Staff.
- G. Recreation Land to be Preserved.
1. Suitability. Recreation land shall be suitable for its intended purpose. The applicant shall state in writing what improvements, if any, he/she will commit to make to the land to make it suitable for its intended purpose, such as grading, landscaping, or development of trails. Such land shall be free of construction debris at the time of dedication.

2. Ownership. Required recreation land may be dedicated to the School District, Lehigh or Northampton County, a similar governmental agency, an incorporated property-owner association (such as a homeowner or condominium association) or an established environmental organization acceptable to the City. The City may accept the dedication if no other entities are interested or qualified to accept such dedication. In the case of a rental development, the City may permit the recreation land to be retained by the owner of the adjacent principal buildings.
  - a. If recreation land is to be owned by a property-owner association, the developer shall be required to establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of the recreation land.
    - (1) Any property-owner association agreements regarding required recreation land shall be subject to acceptance by the City, based upon review by the City Solicitor.
    - (2) Prior to the sale of any dwelling unit or lot, all deeds shall require each property-owner to pay fees on a regular basis for the maintenance and other expenses of owning such land. The property-owners shall be incorporated with covenants and bylaws providing for the filing of assessments. After providing notice to affected owners, the City shall have the authority to establish municipal liens upon all properties in the association to fund maintenance of the land and City legal costs if the property-owners association does not fulfill its responsibilities.
    - (3) An orderly process shall be established for the transfer of the land to the association. The City may delay a dedication of maintenance responsibilities by a developer to a property-owners association until such association is incorporated and able to maintain such land.
    - (4) The property-owners association shall be established in full compliance with applicable State law, including the Uniform Planned Community Act.
  - b. Transfer to another Entity. If the approved plan states that ownership of and/or responsibilities to maintain the recreation land are limited to a particular entity, then any transfer of ownership or responsibilities to another entity shall require pre-approval by the Planning Commission. Where land is to be owned by a conservation organization, a process shall be established for the land to transfer to a different organization if the first organization is not able to fulfill its obligations.
  - c. The City shall have the authority to refuse to accept an offer of dedication of recreation land to the City.
3. Easements/Deed Restrictions. Any required common open space dedication shall include deed restrictions or conservation easements to permanently prevent its development for buildings, except buildings for approved types of non-commercial recreation or to support maintenance of the land. Such deed restrictions or conservation easements shall, at a minimum, be

- enforceable by the City. The City may require that the restrictions or easements also authorize their enforcement by a suitable third party.
4. Priorities. Priority shall be given to dedication of land that would be suitable for a) additions to existing public schools and public parks, or b) preservation of woods, steep slopes or other important natural features or land along a creek, or c) for centralized active recreation.
  5. Suitability. Land that is not suitable for active or passive recreation shall not be permitted to meet the requirements of this section. Any land area used to meet the requirements of this Section 1349.07 shall meet the definition of “Recreation Land” that is stated in the Subdivision and Land Development Ordinance. Portions intended for active recreation shall be well-drained, of less than 6 percent average slope and not require filling in of a wetland for use.
  6. Access and Contiguousness. Required recreation land shall be contiguous, except as may be specifically exempted by the Planning Commission, and shall have adequate access for maintenance and by pedestrians.
  7. Other Ordinances. Any required land dedication or fees under this Section shall be in addition to any land dedication or improvement requirements of any other City ordinance.
  8. Residual Lands. If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands. The intent is to coordinate current plans with any future development, even in the long-term.
  9. Coordination with Future Adjacent Dedication. The Planning Commission may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with a recreation land dedication on the edge of an adjoining property when that adjoining property is subdivided or developed.
- H. Combination of Land and Fees. Upon mutual agreement of the Planning Commission and the applicant, the City may accept a combination of recreation land and fees-in-lieu of land to meet the requirements of this section for a subdivision or land development. This combination shall be based upon the recreation land requirement applying for a certain number of dwelling units or portions of a non-residential development and the fee-in-lieu of land requirement applying for the remaining development. For example, if a development included 25 dwelling units, recreation land could be required for 15 dwelling units and fees could be required for 10 dwelling units.
- I. Timing of Residential Fees. Fees required by this Section for all of the dwelling units shall be paid prior to execution of the Developer’s Agreement.

- J. Timing of Non-Residential Fees. Fees required by this Section for any non-residential subdivision or land development shall be paid prior to the execution of the Developer's Agreement. If no Developer's Agreement is required, then all fees shall be paid prior to recording the final plan.
  
- K. Facilities in Place of Land or Fees. An applicant may submit a written request for a modification of the requirements of this section by offering to construct substantial permanent recreation facilities within the proposed subdivision or land development or on public parkland at another site. Such modification shall only be approved if the applicant clearly proves to the satisfaction of the Planning Commission that the facilities will serve a valid public purpose, will be designed following modern standards in a durable manner and will have a higher market value than the land or fees that would otherwise be required.
  - 1. A modification of these requirements may also be approved by the Planning Commission if the applicant donates or sells appropriate public recreation land to the City or the School District. In such case, the applicant shall provide a written appraisal from a qualified professional that the market value of the donation or price reduction is greater than the value of the fee or land requirement that is waived. In such case, the land shall be determined to be suitable for public recreation by the Planning Commission.
  
- L. Landscaping Plan. If one or more acres of recreation land are required, then the applicant shall submit a landscape planting and preservation plan for the recreation land.
  - 1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the common open space and throughout the tract.
  - 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.

1349.08. STORMWATER MANAGEMENT. See the provisions of the City Stormwater Management Regulations in Article 925 of the Codified Ordinances.

- A. Consistency With Stormwater Regulations. Where a provision of this Ordinance and the Stormwater Management Regulations may directly conflict in addressing the same stormwater matter, the Stormwater Regulations shall apply. The review of the stormwater plan under the Stormwater Regulations should proceed concurrently with review of the subdivision and/or land development plan under this Ordinance.
  
- B. Required Notes. The City may require that the following notes, or alternative text that is pre-approved by the Department of Public Works, be stated on the Final Plans, as applicable:

1. “By submission of these plans, the applicant’s engineer on record certifies that these plans are in complete conformance with the City of Bethlehem Storm Water Management Ordinance.”
2. “All public inlets should have inlet markers. The design of the inlet markers shall be approved by the City Engineer.”
3. “The maintenance of storm water facilities shall be the owner’s responsibility. The owner’s deed, and the deed to any subsequent owner, shall note that the owner shall accept the maintenance responsibilities. The City of Bethlehem shall be permitted to inspect the storm water facilities on at least an annual schedule to ensure that any necessary corrective work is performed in a timely manner.”
4. If a drainage easement is included: “The drainage easement provides for the flow of storm water across lots, and may not be altered without the written permission of the City Engineer. No obstructions such as planting berms or fences may be installed in the drainage easements areas without sufficient provision for the passage of storm water, and any such proposed provision shall be approved in writing by the City Engineer.”
5. If detention is proposed: “Unless a geological survey demonstrates the feasibility of encouraging infiltration in a detention pond, the detention pond shall, generally, be lined with a 6-inch thick clay liner with a permeability of  $1 \times 10^{-7}$  cm/sec or less. This clay liner shall, in turn, be covered by a 6-inch layer of viable topsoil on which a healthy growth of grass shall be established (unless rip-rapped). This liner system shall extend from the bottom of the pond to the elevation of the emergency spillway. The liner permeability of  $1 \times 10^{-7}$  cm/sec shall be verified by lab tests on three field samples or other equivalent procedure acceptable to the City Engineer. Additional tests may be required by the City Engineer should any of the three original tests yield unacceptable results. All the testing shall be arranged and paid by the developer; however, the testing lab shall be certified in this area of testing and acceptable to the City Engineer.”
6. “The City Engineer may require a full 12-inch thick clay liner with permeability of  $1 \times 10^{-7}$  cm/sec. or less, where circumstances such as water depth or nearby utilities necessitate a greater degree of assurance against the formation of sinkholes. Also, the City Engineer may approve a different liner system that is, in the opinion of the City Engineer, equal to or better than the above-mentioned liners.”
7. If detention is proposed: “The Contractor shall clean all accumulated sediment and silt from the pond at the end of the construction, and return the pond to its original design condition.”

C. Green Stormwater Design.

1. Within street right-of-way, opportunities shall be considered to incorporate planting and infiltration areas in coordination with the layout and design of utilities, sidewalks and street trees. For example, vegetated areas should be considered as part of bulb-out curb extensions. Tree trenches should be considered under street trees near the curblines or within parking areas.
2. Where practical, grass or vegetated areas or porous paving materials should be considered between the curb and sidewalk. Areas of pavement shall be

- minimized, such as in areas that are not needed for parking spaces. Stone should not be used in areas proposed to be landscaped or vegetated.
3. Rain gardens and bioswales should be installed and planted to promote infiltration and filtering of pollutants where appropriate. Stormwater basins should be designed in a more naturalist manner with plantings that do not require weekly mowing of the interior.
  4. Consideration should be given to directing stormwater from roof downspouts into a suitable vegetated area that will allow infiltration. Consideration should be given to including vegetated filter strips within or adjacent to parking lots to promote infiltration and to filter out pollutants. Moisture-tolerant plantings should be selected in areas intended for infiltration.
  5. See the incentives in the Zoning Ordinance for certain green features, such as green roofs.
  6. Consideration should be given to using rain barrels or cisterns to capture a portion of stormwater runoff for later use to irrigate landscaping.
  7. See the Pennsylvania Stormwater Best Management Practices Manual.
  8. Any stormwater improvements shall be designed to avoid or minimize new costs to the City of Bethlehem for their maintenance, unless a funding source is approved to fund the maintenance.

1349.09. SEWAGE DISPOSAL SYSTEMS.

- A. Easements. Sewer mains shall be installed within a street right-of-way or utility easement.
- B. Public Sewage Connections. Any new principal building or principal use within a subdivision or land development that generates wastewater shall be required to connect to the public sanitary sewage system. The applicant shall be responsible to pay such reasonable capital expenses and fees that are necessary for such connection, such as any tapping fees.
- C. Design. The City shall have the authority to approve or reject the design of the proposed sewage collection system for just cause.
- D. Laterals. Each lot with public sewage service shall be served by a separate sewage lateral.
- E. Septic System. In the event the City determines that a lot cannot be feasibly accessed by the public sewage system, then the use of an on-lot septic system will be considered. Approval of the primary and an alternative drain field site shall be required by the Sewage Enforcement Officer prior to final approval of a lot.
- F. DEP Requirements. The applicant shall provide evidence of compliance with DEP requirements, if applicable, for an approved Sewage Facilities Planning Module or an Exemption. DEP approval is required prior to issuance of building permits.

1349.10. WATER SUPPLY SYSTEMS; FIRE HYDRANTS.

- A. Location. Water mains shall be installed within a street right-of-way or utility easement.
- B. Required Connections to Public Water System. Every new principal building and principal use within a subdivision or land development shall be required to connect to the public water supply system. In the event that the City determines that connection to the central water system is not feasible, then a private well shall be required. The plan shall show a proposed location for the well that will meet DEP isolation requirements.
- C. Water Supplier Approval. Proposed extensions of central water systems shall meet all applicable procedures, reviews and requirements of the central water provider (which is the Department of Water and Sewer Resources). Such extension shall be approved by such agency prior to Final Plan approval, although specific detailed service agreements are not required to be signed until prior to recording.
- D. Fire Hydrants. All subdivisions and land developments that will be served by central water service shall provide fire hydrants with sufficient fire flow and pressure. Appendix C of the International Fire Code shall regulate the minimum spacing of fire hydrants. (Note - Additional fire apparatus access requirements apply in Appendix C of the Fire Code.)
  - 1. The fire hydrants shall have connections compatible with those used by the City Fire Department and meet the requirements of the City.

1349.11. OTHER UTILITIES; UTILITY EASEMENTS.

- A. Utilities. All new electric power service lines (as opposed to distribution lines) and all new telephone and cable television and internet service lines within a new subdivision or land development shall be placed underground, unless the City approves the use of existing utility poles.
- B. Easements. Easements shall be provided as follows:
  - 1. Stormwater drainage, sanitary sewage, central water, emergency access and other types of easements shall be provided as determined to be needed by the City and as indicated on the plans.
  - 2. Locations. The City shall require that a lot include a stormwater drainage and utility easement around the perimeter of each lot, including adjacent to the street right-of-way.
  - 3. Width. The City shall require a stormwater drainage or underground utility easement of 20 feet, which may be reduced to 10 feet for each lot if a 10 feet minimum easement exists on the abutting side of the abutting lot.
  - 4. See also drainage easement provisions in the City Stormwater Regulations.

5. Additional width of easements shall be provided if required by the utility provider or the City. The easement widths alongside lot lines may be reduced if the Zoning Ordinance allows a principal building setback that is narrower than the width of the easement that would otherwise be required, or where buildings are attached along a lot line.
6. Separation. Minimum separation distances between utility lines shall be as required by the applicable utility or as deemed necessary by the City.
7. Utilities. If any activity is proposed within the right-of-way of an underground pipeline or utility, the applicant shall provide written evidence from the operator of such pipeline or utility that such activity is acceptable under their safety standards and the terms of that right-of-way.
8. Maintenance and Obstructions. The owner of the lot shall maintain an easement in such a condition that does not interfere with its intended purpose(s). Fill or structures shall not be placed in an easement in a way that inhibits its intended purpose(s). Specifically, structures or grading that could alter or obstruct stormwater flows in violation of the approved Final Plan shall be prohibited within storm water easements.
9. Utility Flood-Proofing. All utilities and facilities, whether public or private, located in flood plains shall be flood-proofed to a point one foot above the regulatory flood elevation. Access points to such utilities and facilities shall be designed and installed in such a manner to provide for self re-flood-proofing upon such access.

1349.12. ACCESS DRIVES AND DRIVEWAYS.

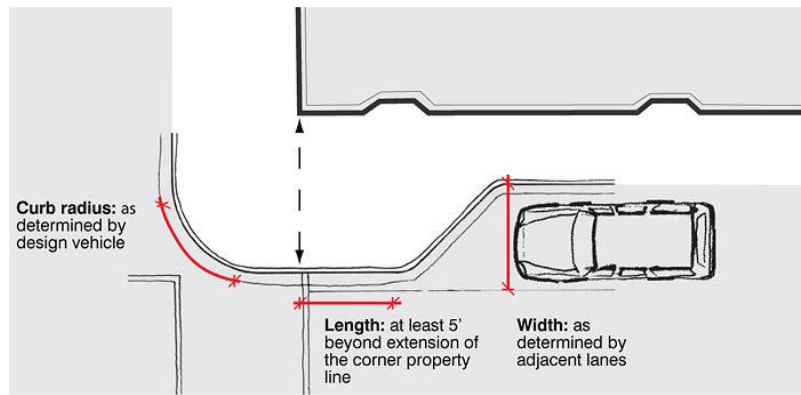
- A. Construction Standards. See the City of Bethlehem Engineering Details.
- B. Access; State Routes. A State Highway Occupancy Permit is required for all access onto or work within the right-of-way of a State street. A City Driveway Permit shall be obtained before any vehicle access is allowed from a State street or City-owned street.
  1. If the City becomes aware that a State Highway Occupancy Permit is needed, and one has not been issued, the City may delay the issuance of a Certificate of Occupancy until such time as such a State Highway Occupancy Permit is issued.
- C. Slope and Emergency Access. The maximum slope of an access drive or driveway shall be 10 percent, except the first 20 feet adjacent to a cartway of a street shall have a maximum slope of 6 percent, unless PennDOT establishes a stricter standard. See also Section 1349.04.A.4.
- D. Drainage. The developer shall make adequate provisions to maintain uninterrupted parallel drainage along a street where intersected by an access drive or driveway. Access drives and aisles within parking lots shall be graded and drained to keep the primary travel lane free of stormwater.

- E. Shared Driveways. Unless otherwise approved, a driveway shall serve a maximum of one residential lot. A driveway serving more than one residential lot shall only be approved if the applicant proves to the City that it is needed because of a sight distance concern, to provide proper access management along a street, or to minimize disturbance of natural features. An access easement shall be pre-approved by the City and recorded.
- F. Turnarounds. For lots abutting arterial streets, driveways shall be designed with a location on the lot to turn a vehicle around, so as not to require a vehicle to back out onto that arterial street. Turnarounds are also encouraged along major collector streets.
- G. Driveway Setbacks. Driveways shall be located to not interfere with street intersections, utility poles, street trees, fire hydrants and similar features. Where a stop bar exists at an intersection, the driveway shall enter behind the stop bar, unless a larger setback is required by another regulation.
- H. Driveway Separation from Intersections. Driveways and access drives shall enter public streets at safe locations. No driveway or access drive shall enter a public street closer to an existing intersection than 25 feet. This distance shall be increased to 50 feet for a driveway or access drive serving a principal non-residential use or 4 or more dwelling units. The separation from an intersection shall be measured from the nearest edge of the driveway to the nearest intersection of the edges of the cartways of the two streets.

1349.13. OFF-STREET PARKING CONNECTIONS. Where a vehicle interconnection is required or planned between two uses or lots, the subdivision or land development shall include a suitable cross-easement that permits vehicles and pedestrians from one use or lot to have access through the parking lot and driveway of the adjacent use or lot.

1349.14. CURBS.

- A. Curbs shall be required along all streets abutting a subdivision or land development.
- B. Required curbs shall meet the following specifications, unless other specifications are pre-approved by the City:
  - 1. Only concrete curbs shall be provided, which shall follow the City's Engineering specifications.
  - 2. Gutter design shall be subject to the approval of the Department of Public Works based upon standard engineering practices. The curb reveal should typically be 6 inches.
  - 3. Consideration should be given to extending curbs at street intersections in a manner that reduces the width of cartway that must be crossed by pedestrians. These curb extensions shall be designed to still allow turning movements by buses and trucks and shall be designed to only occupy areas where parking is already prohibited.

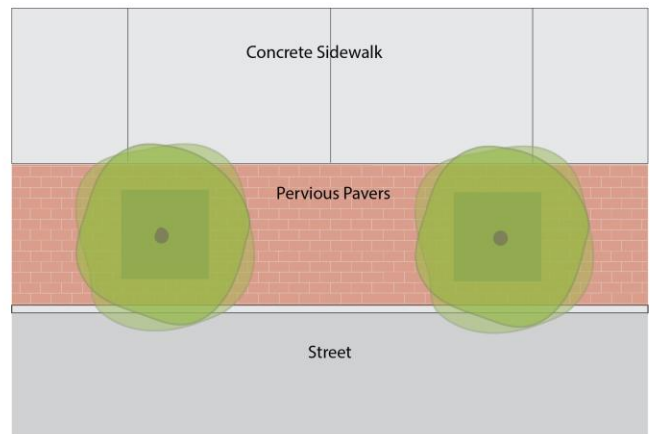


1349.15. SIDEWALKS, PATHWAYS AND DRIVEWAY APRONS.

A. Sidewalks with curbs built to City specifications shall be required along each side of all new, widened or extended streets and when proposing new development.

1. The sketch to the right shows a suggested arrangement in an urban area with the main pedestrian walkway constructed of concrete, but with un-mortared porous pavers used between the sidewalk and the curb. This arrangement reduces stormwater runoff, allows for easier access to utility lines, and promotes the health of the street trees. This arrangement may be desirable in higher intensity locations, where a vegetated strip is not appropriate between the sidewalk and the curb. In the more suburban areas of the City, the area between the sidewalk and curb is intended to be vegetated.

Pervious Paving Strip Use



Use pervious pavers in areas that are not the primary wheelchair and pedestrian pathway.

2. Street Tree Grates. See Section 1349.07.

B. Pathway or Bikeway.

1. If deemed necessary for the convenient and safe circulation of bicycles and pedestrians, the Planning Commission shall require that a subdivision or land development include the construction of a pathway or bikeway.

2. A bikeway/pathway shall have a minimum width of 6 feet.

3. Fencing. Where a pathway is proposed immediately adjacent to dwellings outside of a public right-of-way, the Planning Commission may require that the applicant install suitable fencing with a height of 4 feet between the dwellings and the pathway. The design of the fencing shall be subject to City approval. Safety fencing may also be required where there is a grade drop of more than 5 feet next to a pathway.

C. Location and Width of Sidewalks.

1. Sidewalks serving the public shall be located within the street right-of-way, unless the City specifically approves an alternative location for a sidewalk or ADA-accessible pathway with a pedestrian easement.
2. Any required sidewalks shall have a minimum width of 5 feet.

D. Construction.

1. Sidewalks shall meet the City's Bureau of Engineering construction specifications, unless the City specifically approves an alternative specification for an ADA-accessible pathway that is approved in lieu of a sidewalk.

E. Maintenance. It shall be the responsibility of the adjacent landowner to maintain, repair and to plow snow and remove ice from sidewalks.

F. ADA Ramps. All ADA ramps shall be designed to current standards as per PennDOT RC-67M specifications, provided that the City's Bureau of Engineering may approve modifications based on field conditions.

1349.16. STREET LIGHTING.

- A. Street lights or other City-approved lighting shall be provided and installed by the developer's contractor or utility company along streets within and abutting a proposed subdivision or land development. The City may require that the lighting be installed by the developer's contractor if it will result in a lower electric rate for the City. Street lighting shall be placed at intersections of streets and, at the discretion of the Planning Commission, an applicant may be directed place additional street lighting along a curve of a street and at major pedestrian crossings.
1. All applicant-installed lights shall meet City specifications, and be subject to the review and approval of the City Electrician.
  2. If the public utility is to install the street lights, the applicant shall pay all costs for equipment and installation as calculated by the public utility. This money shall be paid to the City in advance as part of the security for the Developer's Agreement.
  3. The developer shall coordinate with the electric utility regarding the responsibilities between the developer and the utility. The utility may require reimbursement from the developer for its reasonable costs for such work.

- B. Private Lighting. On all private streets, parking areas and other areas requiring lighting, the developer shall provide materials, installation, electric connection for all lighting systems necessary for security and public safety. If the lighting will not be funded by the landowner, then a system acceptable to the City shall be established for the funding of the lights (such as a property-owner association along a private street). The City may require that business and multi-family parking lots and related walkways maintain a minimum 0.5 footcandles of illumination during hours of use. A site lighting plan shall be submitted to the City for review and approval.

1349.17. STREET IDENTIFICATION SIGNS.

- A. Street Name Signs. Street name signs shall be installed at every intersection by the applicant. Their design and location must be approved by the City Engineering Bureau.
- B. Street names are subject to the approval of the City Engineering Bureau. Names shall continue the name of any street with the same or similar alignment. Names shall not duplicate or be closely similar to the name of another street within the City, the same fire or ambulance district, or the same post office name. The street names shall be submitted to the City Engineering Bureau, which will assist with coordination with U. S. Postal Service and County Emergency Communications to avoid duplications.

1349.18. REGULATORY SIGNS. The developer shall supply and install needed traffic regulatory signs on streets, after their type and location have been approved by the City Engineering Bureau. All traffic regulatory signs shall meet current standards of PennDOT.

1349.19. LANDSCAPING.

- A. Street Trees. Street trees shall be required meeting the requirements of the Zoning Ordinance. For recommended species, see the Brochure “City of Bethlehem Street Trees: Selection and Planting.” The City may require the installation of street tree grates in urban areas with high pedestrian traffic. A street tree grate shall have a minimum size of 4 by 4 feet, and should be expanded to be a minimum size of 4 by 8 feet where space is available.
  - 1. The tree species shall be selected to be suitable for the location, considering mature height and the clearance under utility lines. In commercial areas, tree species should be selected that will not completely obstruct business signs. The species shall be subject to approval by the City Forester or other designated City staff. The species should be chosen to be tolerant to droughts and extreme precipitation conditions, which will worsen because of global climate change.
  - 2. Trees shall be surrounded by vegetated areas (which may include tree grates or tree trenches) that allow water and oxygen to reach the tree roots. Tree trunks shall not be surrounded by asphalt.

- B. Buffer Yards. See the requirements in Section 1318.23 of the City Zoning Ordinance.
- C. Other Landscaping Provisions.
1. Existing healthy mature trees shall be preserved wherever practical and protected during construction. The areas under the canopy of trees to be preserved may be required to be surrounded by temporary fencing, to avoid damage to trees and compaction of soil during construction.
  2. Plant materials shall be liberally located throughout the site. Massing of multiple plants is preferable to the installation of individual plants. A successful planting should involve a variety of types (trees, shrubs, ground covers, perennials, deciduous, evergreen) and sizes of plant materials. A variety of plant species should provide interest throughout the year with color and texture of foliage, bark, flowers and fruit that are displayed at various seasons. A variety of species is also recommended to make landscaping more resistant to disease and harmful insects.
  3. Approved street tree species are also the preferred specimens in parking lot applications, as provided in D. below.
  4. Use of native plant species of trees and plantings are strongly encouraged and preferred.
- D. The following minimum standards shall be met concerning required plant materials used by the applicant. These standards are required at the time of planting:
1. Shade trees, street trees and parking lot trees – 2 to 2-1/2 inches trunk diameter measured 6 inches above the root flare.
  2. Ornamental trees - 6 to 8 feet (height).
  3. Pyramidal evergreen trees - 5 to 6 feet (height).
  4. Columnar evergreen trees - 4 to 5 feet (height).
  5. Evergreen and semi-evergreen shrubs - 2 to 2-1/2 feet (width).
  6. Broadleaf evergreen shrubs - 3 to 4 feet (height).
  7. Deciduous shrubs - 2 to 2-1/2 feet (height).
  8. Synthetic or artificial material in the form of trees, shrubs, ground cover, vines, or turf shall not be used in lieu of live material.
  9. The use of architectural planters is permitted in fulfillment of landscaping requirements. These planters shall be of material and design specifically intended for landscaping use.
- E. Landscaped buffer yards required in Article 1318.23 of the Zoning Ordinance shall consist of evergreen trees and/or shrubs or a mix of deciduous trees, evergreen trees and evergreen shrubs. For example:
1. Evergreen and semi-evergreen shrubs. A few examples of plants in this category are: Pfitzer juniper (Juniperus chinensis pfitzeriana), dense yew (Taxus cuspidata densiformis), Japanese andromeda (Pieris Japonica), and inkberry holly (Ilex glabra).
  2. Broadleaf evergreen shrubs. A few examples of plants in this category are: Franchet cotoneaster (Cotoneaster francheti), and leatherleaf viburnum (Viburnum rhytidophyllum).

3. Columnar evergreen trees. A few examples of plants in this category are: Columnar Chinese Juniper (Juniperus chinensis columnaris) and Keteleeri Juniper (Juniperus chinensis keteleeri).
  4. Pyramidal evergreen trees. A few examples of plants in this category are: Austrian pine (Pinus nigra), Canadian hemlock (Tsuga canadensis), and Norway spruce (Picea excelsa).
  5. Where feasible, screen plantings should be planted so they will have a mature height higher than the items (other than buildings) that are being screened.
  6. A mix of trees and shrubs as noted above shall be planted to achieve a solid buffer yard, at least 6 feet in height, within three growing seasons. At least 3 types of trees and shrubs shall be selected to create the buffer yard. Spacing shall be determined based upon the species selected. An applicant should consult with the City Forester prior to finalizing the screening materials.
- F. Street trees shall be planted between the curb and sidewalk within the street rights-of-way which abut the applicant's property. The City may allow a location immediately outside of the right-of-way to avoid conflicts with sidewalks or utilities. Where required street trees will be planted outside of the right-of-way, the City may require an easement, or similar restriction to ensure that the trees will not be removed without good cause and without replacement. All trees shall be balled and burlapped, unless this requirement is waived by the City Forester for any specified variety. See additional requirements in Article 1319.02.j of the Zoning Ordinance.
- G. An average minimum of one deciduous or evergreen tree shall be required to be planted and then maintained for every 4,000 square feet of impervious surface. This requirement shall be in addition to required street trees and buffer yard plantings required by the Zoning Ordinance. The majority of such trees shall be planted in parking lots or in portions of a site that are visible from streets, access drives or adjoining properties, as opposed to being placed within truck loading or truck movement areas. The requirement in E. for tree plantings shall be reduced by 50 percent within the CB district or for parking structures if there physically is not room for all of the tree plantings.
- H. The following areas shall be landscaped as follows:
1. On principal commercial, industrial, institutional and multi-family apartment lots, a minimum of 10 percent of the lot area shall be landscaped in trees and shrubs, and with a vegetated ground cover. These plantings shall be in addition to any buffer yards which may be necessary. Parking lot trees required in Section 1319 of the Zoning Ordinance can be counted towards fulfilling this 10 percent requirement. This 10 percent requirement shall not apply in the CB district. Where an entity owns adjacent lots, the 10 percent requirement may be averaged across two or more lots, provided the resulting requirement is established on a City-approved plan.
  2. Outdoor business storage areas shall be separated from a street or a residential property by evergreen plantings.

- I. All plantings shown on submitted site plans shall be subject to approval by the City Forester's office. All landscaping, as approved on final site plans, shall be completed and, except on owner-occupied residential properties, maintained, including the replacement of dead plantings by the applicant or his successors and assigns. The City Forester's office and the Planning and Zoning Bureau shall be responsible for all inspection work regarding approved planting plans.
- J. Redevelopment. If a new principal non-residential or apartment building is built on an existing lot, the lot shall be brought into compliance with the landscaping requirements of this Ordinance and the Zoning Ordinance. However, if the lot had two or more existing principal buildings, then only the area around the new building and its required parking shall be required to be brought into compliance with the landscaping requirements of this Ordinance and the Zoning Ordinance.

1349.20. MONUMENTS AND MARKERS.

A. Monuments.

- 1. Location. For a major subdivision, permanent reference monuments shall be located at each intersection of rights-of-ways of street(s) constructed by the developer, at the beginning and ending of all street curves, and at exterior corners of the subdivision or land development. For a minor subdivision, two permanent monuments shall be required, preferably at the street right-of-way line.
- 2. Type. Reference monuments shall be constructed of steel reinforced Portland cement concrete or to other materials pre-approved by the City Engineer, and should have a minimum size of 4 by 4 inches square at the top, 6 by 6 inches square at the bottom, 24 inches in length, and shall have the top flush with the grade level.

B. Markers. All lot corner markers shall be permanently located and shall be at least a 3/4-inch metal pin or pipe with a minimum length of 20 inches, located in the ground to existing grade. Such markers shall be located prior to the lot being offered for sale.

C. After completion, the applicant shall provide a written certification by a Professional Land Surveyor stating that all monuments and markers have been set as required and shown on the approved plans.

1349.21 SITE LAYOUT AND DESIGN STANDARDS FOR THE CL, CB, RT, IR-R AND OMU ZONING DISTRICTS

- A. Surface off-street parking and any garage doors shall be located to the rear or side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building. Tractor-trailer truck loading docks and service areas shall not be visible from any street frontage.
- B. For use involving a new principal commercial building, a site plan shall be submitted to the City showing locations for garbage storage, truck loading areas

and parking areas, if applicable. Such locations shall be subject to approval by the City to minimize conflicts with sidewalks and dwellings.

- C. New parking lot lights installed by a developer shall have a minimum total height of 20 feet and use a decorative design approved by the City. Light fixtures on private property are encouraged to use designs that are similar to any decorative fixtures used on the adjacent street.
- D. A new principal building of over 150 feet in length along a street shall include variations in rooflines, overhangs, architectural details, setbacks, colors, or façade materials or use canopies, porches and awnings. Blank walls without a least one door and one window shall not face an arterial street. Retail stores shall have display windows facing onto a street. New construction should have rooflines that are similar to adjacent older buildings. Where existing adjacent older building have a certain horizontal or vertical pattern, that orientation or pattern should be continued in new construction. Where existing older buildings have certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued.
- E. Chain-link exposed metal fence shall not be placed along any street frontage. Ornamental fences are encouraged.
- F. The applicant for a new principal building shall submit a set of preliminary architectural sketch or elevation plans of the front façade and a description of proposed front façade materials to the City. Such materials may be offered to the City Planning Commission or other boards for review and comment, as appropriate.
- G. Pedestrian crosswalks should be provided along arterial street corridors using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.
- H. Pedestrian traffic shall be separated from major vehicle routes. Development should be designed in such a way as to be inviting for pedestrian traffic and to provide convenient walking routes from public transit stops. Individual buildings and pedestrian entrances and parking areas shall be laid out to promote pedestrian access among different users.
- I. Commercial buildings shall have their main pedestrian entrance facing a street or a pedestrian walkway/plaza.
- J. No outdoor bulk storage shall be permitted in the front yard and shall only be permitted in the side or rear yard if it is screened from view of streets by landscaping and/or buildings.
- K. One story buildings shall be avoided on blocks where existing structures are 2 stories or higher. Where an applicant finds that a 2-story building is not possible, they are required to construct a building that has the appearance of a 2-story building when viewed from the street (such as using decorative dormers). Such

alternatives shall be viewed and approved by the Planning Commission if the building is not located in an existing local ordinance historic district.

**ARTICLE 1350**  
**Additional Standards for**  
**Manufactured (Mobile) Home Parks**

- 1350.01. APPLICABILITY. The requirements in this Article shall apply to any Manufactured Home Park as defined by the Zoning Ordinance. The terms "mobile home" and "manufactured home" shall have the same meaning.
- 1350.02. EXEMPTIONS. The following shall not be considered to be a manufactured home park, but instead shall be ruled by the applicable sections of this Ordinance and the Zoning Ordinance:
- A. Offering of more than one manufactured home for sale for relocation to another tract, other than routine sale of previously occupied homes within a manufactured home park.
  - B. Any development of manufactured homes involving only one dwelling unit per fee-simple lot, which shall meet all of the requirements for a single family dwelling residential development;
  - C. A manufactured home that is used only as a field office or work or tool house during an on-site construction project as a temporary use.
- 1350.03. OTHER REQUIREMENTS OF THIS ORDINANCE.
- A. All provisions of this Ordinance shall apply to a manufactured home park, except for provisions that are specifically amended by this Article.
  - B. Every proposed manufactured home park shall be submitted, reviewed, approved and recorded as a land development. The requirements for a subdivision shall also need to be met if one or more new lots are created or lot lines are changed.
- 1350.04. GENERAL STANDARDS AND REQUIREMENTS.
- A. All manufactured homes sites within a manufactured home park shall be located on land with an average natural slope of less than 15 percent.
  - B. Any street, not including an approved parking court, shall meet City Street bed construction requirements that would apply to a public street.
  - C. The manufactured home park shall have adequate access by emergency vehicles and shall include measures to provide adequate water supply for firefighting. If the water supply cannot feasibly be provided on-site, the requirement may be met by the applicant constructing a hydrant to access an available nearby water supply.
  - D. All manufactured home parks of more than 25 dwelling units shall include a qualified resident manager.

E. Access.

1. Vehicle access to individual manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development. Streets within the development providing access to 20 or more dwelling units shall have a paved cartway width of at least 26 feet, and other streets shall have a paved cartway width of at least 22 feet, provided on-street parking is prohibited. If on-street parking is allowed, the minimum cartway width shall be 30 feet.
2. All new streets within the manufactured home park shall be private and be maintained as part of the manufactured home park.

F. Parking.

1. In addition to a minimum of 2 off-street parking spaces per dwelling unit, an average of 0.5 off-street parking spaces per dwelling unit shall be provided in convenient locations for visitor parking unless the adjacent street is designed to allow on-street parking.
2. An area shall be set aside for the parking of recreational vehicles and boats of residents, with a minimum of one space for every 20 dwelling units.

G. Other Design Standards and Improvements.

1. Every manufactured home space shall be graded to provide a level, stable and well-drained stand for the manufactured home. See installation requirements in the Uniform Construction Codes.
2. Every space shall be provided with underground electric, telephone and T.V. Cable (if available) connections.
3. All fuel storage and supply systems shall be constructed and maintained in conformity with the regulations of all authorities having jurisdiction. No above ground fuel tanks shall be allowed within a required perimeter setback.
4. The shade tree requirements of the Zoning Ordinance (see Section 1319.02.j) shall be met for a street within a manufactured home park.

## Appendix A - GIS Standards for Plans

### Property Boundary Layers

Parcels Boundaries (Polygon)  
Layers: ASSR-PRCL (Current), BNDY-SUBD (Subdivision)  
Property Setback (Poly Line)  
Layer: PROP-SBCK  
Building/Structure Footprint (Polygon)  
Layer: BLDG-OTLN  
Right of Way Easements (Poly Line)  
Layer: ESMT-RWAY  
Contours (Poly Line)  
Layers: TOPO-MAJR, TOPO-MINR (Major/Minor), TOPO-SPOT (Spot Elevations)  
Control Points (Point)  
Layer: CNTL-BMRK

### Water Supply System Layers

Mains (Poly Line)  
Layers: WATR-UNDR (Underground), WATR-PIPE (Above Grade Pipe)  
Laterals/Private Pipe (Poly Line)  
Layer: WATR-LATL  
Manholes (Point)  
Layer: WATR-MHOL  
Valves (Point)  
Layer: WATR-INST  
Water Meter (Point)  
Layer: WATR-EQPM  
Hydrants (Point)  
Layer: WATR-FHYD  
Wells (Point)  
Layer: WATR-STRC  
Water Easements (Poly Line)  
Layer: WATR-ESMT

### Sanitary Sewer System Layers

Mains (Poly Line)  
Layer: SSWR-PIPE  
Laterals/Private Pipe (Poly Line)  
Layer: SSWR-LATL  
Manholes (Point)  
Layer: SSWR-MHOL  
Tanks (Point)  
Layer: SSWR-TANK  
Drainage Field (Polygon)  
Layer: SSWR-DFLD  
Sanitary Sewer Easements (Poly Line)  
Layer: SSWR-ESMT

### **Storm Sewer System Layers**

Mains (Poly Line)  
Layers: STRM-UNDR (Underground), STRM-PIPE (Above Grade Pipe)  
Laterals/Private Pipe (Poly Line)  
Layer: STRM-LATL  
Manholes (Point)  
Layer: STRM-MHOL  
Catch Basin (Point)  
Layer: STRM-CBSN  
Storm Ditches/Swales (Poly Line)  
Layer: STRM-DTCH  
Storm Retention Ponds (Polygon)  
Layer: STRM-POND  
Storm Sewer Easements (Poly Line)  
Layer: STRM-ESMT

### **Natural Gas System and Storage Layers**

Natural Gas Mains (Poly Line)  
Layers: NGAS-UNDR (Underground), NGAS-PIPE (Above Grade Pipe)  
Laterals/Private Pipe (Poly Line)  
Layer: NGAS-LATL  
Natural Gas Manholes (Point)  
Layer: NGAS-MHOL  
Natural Gas Valves (Point)  
Layer: NGAS-INST  
Natural Gas Meter (Point)  
Layer: NGAS-EQPM  
Natural Gas Storage Tank (Point)  
Layer: NGAS-TANK  
Natural Gas Easements (Poly Line)  
Layer: NGAS-ESMT

### **Other Fuel Systems and Storage Layers**

Fuel Gas Pipe  
Layers: FUEL-UNDR (Underground), FUEL-PIPE (Above Grade Pipe)  
Fuel Gas Manholes (Point)  
Layer: FUEL-MHOL  
Fuel Gas Valves (Point)  
Layer: FUEL-INST  
Fuel Gas Meter/Pumps/Motors (Point)  
Layer: FUEL-EQPM  
Fuel Gas Storage Tank (Point)  
Layer: FUEL-TANK  
Fuel Line Easements (Poly Line)  
Layer: FUEL-ESMT

### **Fire Protection Layers**

Fire Lanes/California Roads (Poly Line)  
Layers: FIRE-FLNE (Visible) FIRE-FLCA (Hidden/California)  
Fire Lane Markings  
Layer: FIRE-MRKG  
FDC Standpipe Connections (Point)  
Layer: FIRE-STND  
Knox Box (Point)  
Layer: FIRE-KNOX  
Hazardous Materials Storage (Point)  
Layer: FIRE-HZMT

### **Electrical System Layers**

Electric Lines (Poly Line)  
Layers: POWR-OVHD (Overhead), POWR-UNDR (Underground)  
Laterals/Private Lines (Poly Line)  
Layer: POWR-LATL  
Electric Manholes (Point)  
Layer: POWR-MHOL  
Electric Meter/Shutoffs (Point)  
Layer: POWR-INST  
Electric Poles (Point)  
Layer: POWR-POLE  
Lighting Poles (Point)  
Layer: POWR-LTPL  
Transformers (Point)  
Layer: POWR-EQPM  
Power Line Easements (Poly Line)  
Layer: POWR-ESMT

### **Communications System Layers**

Telecom Lines (Poly Line)  
Layers: COMM-OVHD (Overhead), COMM-UNDR (Underground)  
Laterals/Private Lines (Poly Line)  
Layer: COMM-LATL  
Telecom Manholes (Point)  
Layer: COMM-MHOL  
Telecom Poles (Point)  
Layer: COMM-POLE  
Telecom Towers (Point)  
Layer: COMM-TOWR  
Telecom Line Easements (Poly Line)  
Layer: COMM-ESMT

### **Transportation Network Layers**

Edge of Pavement (Poly Line)  
Layers: ROAD-CURB (Curbed), ROAD-EDGE (No Curb)  
Street Centerline (Poly Line)  
Layer: ROAD-CNTR  
Street/Roadway Markings (Poly Line)  
Layer: ROAD-MRKG  
Sidewalk Edge (Poly Line)  
Layer: SWLK-EDGE  
Sidewalk Centerlines (Poly Line)  
Layer: SWLK-CNTR  
Rail Lines (Poly Line)  
Layer: RAIL-CNTR  
Rail Line Right of Way/Easements (Poly Line)  
Layer: RAIL-ESMT

### **Parking/Vehicle Storage Layers**

Parking Areas Edge (Poly Line)  
Layers: PRKG-CURB (Curbed), PRKG-EDGE (No Curb), PRKG-UPVD (Unpaved)  
Parking Entrances/Driveways Centerline (Poly Line)  
Layer: DRIV-CNTR  
Parking Entrances/Driveways Edge (Poly Line)  
Layers: DRIV-EDGE (Paved), DRIV-UPVD (Unpaved)  
Parking Lot/Driveway Markings (Poly Line)  
Layer: PRKG-MRKG  
Driveway Easements (Poly Line)  
Layer: DRIV-ESMT

**Appendix B – Preliminary/Final Plan Submission Checklist**

CITY OF BETHLEHEM LAND DEVELOPMENT & SUBDIVISION	last rev. 1/10/14	Submitted	Acceptable	Not Acceptable	Evaluated by others
	CHECKLIST				
SITE ADDRESS: _____					
PLAN REQUIREMENTS:					
<b>CONTACT INFORMATION:</b>					
a.) Title identifying the project					
b.) Developer's Name & Address					
c.) Developer's Telephone # & Email Address					
d.) Owner's Name & Address					
e.) Owner's Telephone # & Email Address					
f.) Engineer's Name & Address					
g.) Engineer's Phone # & Email Address					
<b>PLAN INFORMATION:</b>					
a.) Statement of Intent					
b.) Date of plan and revision dates					
c.) Scale (1"= 40') and Graphic Scale					
d.) Certification of Ownership signed by property owner					
e.) Certification of Professional Engineer, signed and sealed					
f.) Certification of Registered Surveyor, signed and sealed					
g.) Notary signature space					
h.) Planning Commission or Planning Bureau Approval Block					
i.) Lehigh Valley Planning Commission Sign-off Block					
j.) Recorder of Deeds Sign-off block					
k.) Drawing index if more than two (2) sheets					
l.) North Arrow					
m.) Location Plan					
n.) Legend					
<b>SITE INFORMATION:</b>					
a.) City Ward and Block					
b.) County, Deed Book and Tax Reference/Document ID #					
c.) Existing address					
d.) Proposed addresses (in title block & on each lot)					

e.) Development acreage and individual lot acreages (existing & proposed)				
f.) Building restriction lines with dimensions				
g.) Existing and proposed impervious cover areas (fee possible)				
h.) Current Adjoiners including addresses				
i.) Approved SALDO Waivers or Zoning Variances w/ approval dates				
j.) Zoning Classifications and all zoning data				
1.) building dimensions (existing & proposed)				
2.) interior garage dimensions				
3.) Bike Racks/Parking lot tree calculations				
4.) Buffering around exterior dumpsters				

CITY OF BETHLEHEM LAND DEVELOPMENT & SUBDIVISION	last rev. 1/10/14	Submitted	Acceptable	Not Acceptable	Evaluated by others
	CHECKLIST				
SITE ADDRESS: _____					
<b>SURVEY DATA:</b>					
a.) Bearings and Distances					
b.) Benchmark					
c.) Lot lines to be abandoned - dotted line					
d.) Proposed Lot Lines					
e.) Lot Numbers and Addresses					
f.) Existing and proposed monumentation					
g.) Curve data					
h.) Warrant Required?					
i.) Proposed slope of driveways					
<b>STREET INFORMATION:</b>					
a.) Street Name(s)					
b.) Right-of-way information including cartway and ROW width					
c.) Street dedication (Area metes & bounds & certified closure on 8.5x11)					
d.) Sidewalk & curb (existing and proposed)					
e.) Sight Triangles (at street intersections & driveways)					
<b>UTILITY INFORMATION:</b>					
a.) Show all utilities (Sewer, water, gas, electric, storm, etc.)					
b.) Main, laterals, manholes, inlets, & structures w/ size, slope & material					
c.) Plan and Profile of road grade and utilities 1"=5' vertical					

& 1"=50' horizontal				
d.) 10' drainage and utility easements on sides and rear of lots & note				
e.) PA One Call serial number and list of contacts				
f.) Planning Module submitted / required (tapping fee \$2527/EDU)				
<b>GENERAL SITE INFORMATION</b>				
a.) Location and dimensions of all existing and proposed features				
b.) Flood Plain information				
c.) Driveways, parking and loading areas (including dimensions)				
d.) Contours (existing and proposed) (spot elev. may also be required) (min. 2' except in area > 15% use 5' within prop. & 25' beyond)				
e.) Storm water calculations and narrative (1 copy)				
f.) Soil Data				
g.) Erosion & Sedimentation Control Plan & narrative with details				
h.) Number of proposed parking spaces and dwelling units				
i.) For Apartments tabulate: efficiency, one or two bedroom, three or more bedroom				
j.) Show number of employees per maximum shift				
k.) Show commercial floor area square footage				
l.) Garbage & recycling receptacles with dimensions & solid buffering				
m.) Documentation of LVPC submission				
n.) Electronic copy of plan				
o.) Traffic Study or Calculations/Narrative				

<b>CITY OF BETHLEHEM LAND DEVELOPMENT &amp; SUBDIVISION</b>	last rev. 1/10/14	Submitted	Acceptable	Not Acceptable	Evaluated by others
<b>CHECKLIST</b>	7/26/06				
<b>SITE ADDRESS:</b> _____					
<b>LANDSCAPE PLAN:</b>					
a.) North arrow					
b.) Scale 1"=20'					
c.) Zoning classification of the lot and surrounding lots					
d.) Property lines and dimensions					
e.) Square footage of the development area and paved areas					
f.) Elevation drawing for tree and shrubs					
g.) Visibility triangles					
h.) Ground floor area in square feet of all buildings					
i.) Location, size, and species of existing trees >3 inches in caliper (label remain/remove)					

j.) Location and dimensions of all driveways, parking areas, sidewalks, structures, utilities, or other features, existing and proposed, which may affect landscaping Parking lot: Number and dimensions of proposed parking spaces Square footage of proposed parking, loading & driveway areas Square footage of each individual parking lot landscaped area Overall square footage of all proposed parking lot landscaping				
k.) Details for tree/shrub planting, biobarrier root barrier installation (street trees), tree protection (barricades, signage), staking, etc.				
l.) Location, spacing, & species of proposed landscaping & street trees				
m.) Indicate width of tree lawn or parkway for street trees				
n.) Schedule of proposed landscape material (include cultivar/variety)				
o.) Schedule of proposed street trees (include cultivar/variety)				
p.) Compliance chart; section, requirement, calcs. req/provided, indicate compliance				
q.) Signed Landscape Plan Requirements form				
<b>LIGHTING PLAN:</b>				
a.) Lighting Plan w/ photometric information				
b.) Lighting proposed at driveway entrances				
c.) Elevation of proposed pole lights				
d.) Catalog cut sheets for all poles & light fixtures				
<b>OTHER:</b>		yes	no	NA
a.) Developer's agreement				
b.) Sewer extension agreement				
c.) Easements				
d.) As-Built Note / Revision Note / NPDES Note				
g.) Engineering Permits Note				

Note: This check list constitutes the basic plan requirements for a subdivision or land development plan and is offered as a general guide. Each site is individual and other specific requirements may be required by the City to clearly depict the development requirements.

<b>CITY OF BETHLEHEM LAND DEVELOPMENT &amp; SUBDIVISION</b>	last rev. 1/10/14	Submitted	Acceptable	Not Acceptable	Evaluated by others
<b>CHECKLIST</b>	7/26/06				
<b>SITE ADDRESS:</b> _____					

**Appendix C – Certificate of Ownership**

**CERTIFICATION OF OWNERSHIP**

I (we) the owner(s) of \_\_\_\_\_, being duly sworn according to law, depose and say that I (we) am (are) the sole owner(s) of the above property in peaceful possession of the same and that there are no suits or liens pending affecting the title thereof.

\_\_\_\_\_  
Signature of Owner

Sworn and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

SEAL

My Commission expires on \_\_\_\_\_.

\*\*\*\*\*

**CERTIFICATION OF OWNERSHIP (CORPORATION)**

I, \_\_\_\_\_ of \_\_\_\_\_  
Name Corporation Name

being duly sworn according to law, and acting in my capacity as \_\_\_\_\_  
Title

depose and say that the above-named corporation is the true and lawful owner of property known as \_\_\_\_\_; that the above described

Describe property and address

property is in peaceful possession of said corporation and that there are no suits or liens pending affecting the title thereof.

\_\_\_\_\_  
Corporation

By:

\_\_\_\_\_  
Corporation Official

ATTEST:

\*\*\*\*\*

**ENGINEER'S OR SURVEYOR'S CERTIFICATION**

I hereby certify that this plan correctly and accurately represents the lands of the owner and, where applicable, the lots, buildings, streets, parking areas, walkways, and other structures and improvements shown thereon.

\_\_\_\_\_  
Registered Engineer or Surveyor

SEAL

Registration No. \_\_\_\_\_

**Appendix D – Application Form**

**THE FOLLOWING PLAN INFORMATION IS TO BE FILLED IN BY THE APPLICANT**

I, \_\_\_\_\_ THE OWNER OF

\_\_\_\_\_  
(Name of Property, Address)

HEREBY APPLY ON \_\_\_\_\_, FOR APPROVAL OF THE ATTACHED  
(Date)

\_\_\_\_\_ PLANS BY THE CITY PLANNING COMMISSION.  
(Subdivision/Land Development)

PLAN TITLE \_\_\_\_\_ ADDRESS

NO. OF LOTS \_\_\_\_\_ NO. OF DWELLING UNITS \_\_\_\_\_ ACREAGE

NO. OF EMPLOYEES \_\_\_\_\_ (Commercial Development) NO. OF PARKING SPACES

ZONING \_\_\_\_\_ WARD \_\_\_\_\_ BLOCK \_\_\_\_\_ TAX MAP \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT

DATE OF PLAN \_\_\_\_\_ SCALE \_\_\_\_\_ NO. OF PAGES

MISCELLANEOUS ENCLOSURES

PROPERTY OWNER:

\_\_\_\_\_  
(name) (address) (phone) (fax) (E-mail)

DEVELOPER/ENGINEER

\_\_\_\_\_  
(name) (address) (phone) (fax) (E-mail)

\*\*\*\*\* **DO NOT WRITE BELOW THIS LINE** \*\*\*\*\*

REVIEWED BY THE FOLLOWING:

	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>COMMENTS</u>
<b>PLANNING STAFF</b>	_____	_____	_____
<b>CITY ENGINEER</b>	_____	_____	_____

<b>ZONING OFFICER</b>	_____	_____	_____
<b>TRAFFIC</b>	_____	_____	_____
<b>TRAFFIC/POLICE</b>	_____	_____	_____
<b>FIRE MARSHALL</b>	_____	_____	_____
<b>WATER UTILITY ENG.</b>	_____	_____	_____
<b>CITY FORESTER</b>	_____	_____	_____
<b>PLUMBING INSPECTOR</b>	_____	_____	_____
<b>LIGHTING</b>	_____	_____	_____
<b>RECYCLING</b>	_____	_____	_____
<b>PARKS &amp; PUB. PROP.</b>	_____	_____	_____
<b>COUNTY CONSERV. DIS.</b>	_____	_____	_____
<b>L.V. PLANNING COMM.</b>	_____	_____	_____
<b>ADJACENT MUNICIPAL.</b>	_____	_____	_____
<b>CITY PLANN. COMMISS.</b>	_____	_____	_____

**DATE RECEIVED** \_\_\_\_\_ **MPC DEADLINE** \_\_\_\_\_

## INDEX

This index is not intended to be all-inclusive and is not officially part of the Ordinance.

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SECTION 2: All prior ordinances or parts thereof which are inconsistent with this newly enacted Part 13 are hereby repealed.

NOTE: The original Subdivision and Land Development Ordinance was passed in 1975. This version, Ordinance 2025-39, was passed on September 2, 2025 which repealed and replaced the old version in its entirety.