

**TITLE NINE
SPECIAL DISTRICTS**

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HISTORIC DISTRICTS**

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CROSS REFERENCE

State Law Provisions - See 53 P.S. §8001 et seq.

1391.01 SHORT TITLE

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

1391.02 AUTHORIZATION AND PURPOSE

A. Authorization

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

B. Purpose

Because the heritage of the City of Allentown is among its most valued and important educational, cultural, and economic assets, it is the intent of the City to provide for the protection

of historically and/or architecturally significant buildings, structures, and sites by designating certain sections of the City as historic districts in order to:

1. Protect and improve the quality of its environment through the identification, recognition, conservation, maintenance, and enhancement of buildings, sites, structures, fixtures and open spaces which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the City.
2. Foster appropriate use and wider public knowledge and appreciation of such features, sites, structures and open spaces.
3. Encourage public and private efforts in support of such purposes, and by furthering such purposes, promote the public welfare, to strengthen the cultural, educational and economic life of the City.
4. Encourage new and/or contemporary design which is visually compatible and sensitive to adjacent sites, structures and the immediate environment. (12314 §1 9/6/78)

**1391.03 DESIGNATION OF OLD ALLENTOWN HISTORIC DISTRICT
ADOPTION OF MAP; IDENTIFICATION OF MAP**

A. Designation of *Old Allentown Historic District*

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

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

Beginning at a point along the center line of Turner Street; said point being the intersection of the center line of Turner Street and the eastern property line of 828 Turner Street; thence, southwardly to a point; said point being the southeast property corner of 828 Turner Street; thence, westwardly along the rear property lines of 828 Turner Street, 834 Turner Street, and 836 Turner Street to a point; said point being the southwest property corner of 836 Turner Street; thence, northwardly along the property line that divides 836 Turner Street and 145 North Ninth Street to a point; said point being the intersection with the centerline of Turner Street; as shown on Exhibit A. (13692 §1 9/3/98)

B. Adoption of Map

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

C. Identification of Map

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

1391.04 DESIGNATION OF "OLD FAIRGROUNDS HISTORIC DISTRICT"; ADOPTION OF MAP; IDENTIFICATION OF MAP

A. Designation of *Old Fairgrounds Historic District*

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

Beginning at a point, said point being the intersection of the center lines of Tilghman Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street and Pratt Street; thence, in a westwardly direction along the center line of Pratt Street to a point, said point being the intersection of the center lines of Pratt Street and North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Liberty Street; thence, in an eastwardly direction along the center line of Liberty Street to a point, said point being the intersection of the center lines of Liberty Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street extended and the southern property line of 407 North Fifth Street; thence, in a westwardly direction along the southern property line of 407 North Fifth Street to a point, said point being the intersection of the southern property line of 407 North Fifth Street extended and the center line of North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Gordon Street; thence, westwardly along the center line of Gordon Street to a point, said point being the intersection of the center lines of Gordon Street and North Morris Street; thence, in a northwardly direction along the center line of North Morris Street; thence, in a northwardly direction along the center line of North Morris Street

extended and traversing in a straight line through the properties of 429, 431, and 433 North Seventh Street to the rear common property lines of 435 and 437 North Seventh Street, and 436, 436-1/2 and 438 North Church Street; thence, continuing in a northwardly direction along said rear common property lines extended and traversing in a straight line through the property of 439 North Seventh Street to the rear common property line of 441 North Seventh Street and 442 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, said point being the intersection of the rear common property line to a point, said point being the intersection of the rear common property line of 441 North Seventh Street and 442 North Church Street and the southern property line of 443 North Seventh Street; thence, continuing in an eastwardly direction along the southern property line of 443 North Seventh Street to a point, said point being the intersection of the southern property line of 443 North Seventh Street and the rear common property line of 443 North Seventh Street and 442-1/2 and 444 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and the southern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction to the intersection of the northern property line of said property and one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and northern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction from said point to the center line of Liberty Street; thence, continuing in a westwardly direction to a point, said point being the intersection of the center lines of Liberty Street and North Morris Street; thence, continuing in a northwardly direction along the center line of Morris Street to a point, said point being the intersection of the center lines of North Morris Street and Tilghman Streets; thence, continuing in an eastwardly direction along the center line of Tilghman Street to the point of beginning.

B. Adoption of Map

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

C. Identification of Map

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

1391.05 DESIGNATION OF WEST PARK HISTORIC DISTRICT; ADOPTION OF MAP; IDENTIFICATION OF MAP

A. Designation of West Park Historic District

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

Beginning at the intersection of the centerline of North West Street with the centerline of Chew Street; thence, northwardly, along the centerline of North West Street to its

intersection with the centerline of Monroe Street; thence, eastwardly, along the centerline of Monroe Street to its intersection with the centerline of North 15th Street; thence, southwardly along the centerline of North 15th Street to its intersection with the centerline of Emmett Street; thence, westwardly, along the centerline of Emmett Street to its intersection with the centerline of North Rush Street; thence, southwardly, along the centerline of North Rush Street to its intersection with the centerline of Russell Street; thence, eastwardly, along the centerline of Russell Street to its intersection with the centerline of North 15th Street; thence, southwardly, along the centerline of North 15th Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North Fulton Street; thence, northwardly, along the centerline of North Fulton Street to its intersection with a line located 190 feet, plus or minus, south and parallel to the southern property line of Linden Street, this line bisecting the properties of the Masonic Temple and intended to mark the partition between the original Masonic Temple and its addition; thence, westwardly, along said line to its intersection with the centerline of North 16th Street; thence, southwardly, along the centerline of North 16th Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North 17th Street; thence, northwardly, along the centerline of North 17th Street to its intersection with the centerline of Linden Street; thence, westwardly, along the centerline of Linden Street to its intersection with the centerline of North St. Cloud Street; thence, northwardly, along a line located 280 feet west and parallel to the western property line of North 17th Street, this line bisecting the William Allen High School property and intended to mark the centerline of North St. Cloud Street if extended north to its intersection with the centerline of Turner Street; thence, eastwardly, along the centerline of Turner Street to its intersection with the centerline of North 17th Street; thence, northwardly, along the centerline of North 17th Street to its intersection with Chew Street; thence, eastwardly, along the centerline of Chew Street to its intersection with the centerline of North West Street, the point or place of beginning.

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

B. Adoption of Map

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

C. Identification of Map

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

1391.06 CERTIFICATION BY PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

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

1391.07 BOARD OF HISTORICAL ARCHITECTURAL REVIEW

A. Creation & Composition

A Board of Historical Architectural Review hereinafter HARB is hereby established and shall be composed of seven (7) members and four (4) alternate members appointed by City Council. The members of the HARB shall be as follows: One member and one alternate member shall be a registered architect; one member and one alternate member shall be a licensed real estate broker; one member and one alternate member shall be a building inspector of the City of Allentown; one member and one alternate member shall be a contractor; three (3) members shall be persons with knowledge of and interest in the preservation of the historic district(s) and at least two (2) members of the HARB shall be residents of the historic district(s). All members and alternate members shall be City residents, or at the discretion of Council, persons not residents of the City but who have a significant property or business interest in the City may be selected to serve. (14321 §1 9/22/05)

B. Terms

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

C. Vacancies

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

D. Removal

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

E. Quorum & Voting

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

F. Duties and Powers

The HARB shall have the following duties and powers:

1. Give counsel to the City Council regarding the advisability of issuing any Certificates of Appropriateness required to be issued pursuant to said Act of June, 1961, P.L. 282, No. 167, and this article. For this purpose, the HARB may adopt and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the municipality and the laws of the Commonwealth.
2. Develop and continue an effective program of historic preservation with the Bureau of Planning, and act in collaboration with other appropriate agencies that may be able to provide assistance.
3. To propose from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
4. To cooperate with and advise the City Council and other municipal agencies in matters involving sites, structures and buildings of historical or architectural significance.
5. To advise owners of buildings on problems of historic preservation.
6. To promote public interest in the purpose of this article.
7. To encourage those owning buildings in an historic district to consult with the HARB concerning such physical aspects promoting maintenance that is in keeping with the general historic and architectural character of the district.

G. Meetings

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

1391.08 DUTIES AND RESPONSIBILITIES OF CITY BUREAU OF CODE ENFORCEMENT AND REHABILITATION

A. The Bureau of Code Enforcement and Rehabilitation shall not issue a permit for any erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure in an historic district which will affect the exterior historic or architectural features or nature of the district until the City Council has reviewed the recommendations of the HARB and has issued a Certificate of Appropriateness.

B. Upon receipt of an application for a building permit for work to be done within the limits of the historic district, the Bureau of Code Enforcement and Rehabilitation shall act in accordance with the ordinances, regulations and practices then in effect with regard to the issuance of such permits and in addition:

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

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

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

C. The HARB shall be advised of all zoning applications for all properties within the limits of the historic district that are filed with the Bureau of Code Enforcement and Rehabilitation.

D. Upon receipt from City Council of the written approval of an application for a Certificate of Appropriateness, the Bureau shall issue a building permit for the work covered.

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

1391.09 CONSIDERATION BY HARB

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

1391.10 CRITERIA FOR ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

In determining the recommendations to be presented to the Council concerning the issuing of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic district, the HARB shall consider the following matters:

1. The effect of the proposed changes upon the general historic and architectural nature of the district.
2. The appropriateness of exterior architectural features which can be seen from a public street or way only.
3. The general design, arrangement, texture, and material of the building or structure and the relation of such factors to similar features of buildings, structures, or sites in the district.
4. Any matter pertinent to the preservation of the historic aspect and nature of the district. (12314 §1 9/6/78)

1391.11 MODIFICATIONS IN APPLICATIONS

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

1391.12 RECOMMENDATIONS TO CITY COUNCIL

The HARB, after compliance with 1391.08 and 1391.09 of this article, shall submit to City Council, in writing, recommendations concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic district. The written report shall set out the following matters:

1. The exact location of the area in which the work is to be done.
2. The proposed exterior changes to be made or the proposed exterior character of the structure to be erected.
3. The general design, arrangement, texture, material, and exterior architectural features of the building or structure and the relation of such factors to be similar features of buildings, structures and sites within reasonable proximity to said structure.
4. The opinion of the HARB, including any dissent, as to the appropriateness of the work proposed as it will preserve or destroy the historic architectural aspect and nature of the district.
5. The specific recommendations of the HARB as to be issuance by the City Council or its refusal to issue a Certificate of Appropriateness. (12314 §1 9/6/78)

1391.13 ACTIONS OF CITY COUNCIL CONCERNING APPLICATIONS

Upon receipt of the written recommendations of the HARB as provided in Section 1391.10 of this article, the City Council shall consider at the next regular meeting or a special meeting, the question of issuing to the Bureau of Code Enforcement and Rehabilitation a Certificate of Appropriateness authorizing a permit for the work to be covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which time his application will be considered and the applicant shall have the right to attend and be heard in support of the application. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure, within the limits of the historic district, the City Council shall consider the same factors as the HARB as set forth in Section 1391.08 of this article, and the report of the HARB. If the City Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Bureau of Code Enforcement and Rehabilitation to issue a permit for the work covered. If the City Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historic or architectural character of the district. Council shall not consider any matters not pertinent to the historical/architectural aspect and nature of the district. (12314 §1 9/6/78)

1391.14 APPEALS

Any person aggrieved by failure of the Bureau of Code Enforcement and Rehabilitation to issue a permit for such building, structure, or site changes by reason of the disapproval may appeal therefrom as provided by law and the Ordinances of the City of Allentown. (12314 §1 9/6/78)

1391.15 EXCLUSIONS

The provisions of this article shall not be construed to:

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

B. Require any action by the owner (other than preservation against decay, deterioration, repair and routine maintenance as stipulated in this section) to comply with the intent of this article before the said owner voluntarily chooses to erect, reconstruct, alter, restore, demolish, or raze all or part of the exterior of a building or structure.

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

1391.98 SEVERABILITY

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

1391.99 PENALTY AND ENFORCEMENT

A. Penalty

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

B. Enforcement

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

Editors Note: Ordinance 13692, September 3, 1998, added three properties in the 800 block of Turner Street at the request of the petition of the property owners. Ordinance 13881, December 21, 2000, added the Designation of the West Park Historic District.

THE CITY OF ALLENTOWN

ZONING CODE

Articles 1301-1363

Zoning/Planning
Room 315, City Hall
437-7630

Compiled
City Clerk's Office
APRIL 2005

Beginning at a point along the center line of Turner Street; said point being the intersection of the center line of Turner Street and the eastern property line of 828 Turner Street; thence, southwardly to a point; said point being the southeast property corner of 828 Turner Street; thence, westwardly along the rear property lines of 828 Turner Street, 834 Turner Street, and 836 Turner Street to a point; said point being the southwest property corner of 836 Turner Street; thence, northwardly along the property line that divides 836 Turner Street and 145 North Ninth Street to a point; said point being the intersection with the centerline of Turner Street; as shown on Exhibit A.

THE CITY OF ALLENTOWN

LAND DEVELOPMENT
AND
SUBDIVISION

TITLE FIVE
SUBDIVISION REGULATIONS

- 1371 General Provisions
- 1373 Definitions
- 1375 Land Development Application Procedures
Approval Process
- 1377 Specifications for Documents to be
Submitted
- 1379 Requirements for Improvement and Design

City Clerk's Office
Compiled on March 2005