

TOWNSHIP OF ALLEN
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE TOWNSHIP OF ALLEN AMENDING THE CODE OF THE TOWNSHIP OF ALLEN TO DELETE CHAPTER 1, PART 8 (ROADWAY IMPROVEMENT FUND) IN ITS ENTIRETY; AMENDING CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), SECTION 22-407 (STREETS AND ROADS; SPECIFIC REQUIREMENTS) TO PROVIDE AN OPTION FOR PAYMENT TO THE ROADWAY IMPROVEMENT FUND IN LIEU OF THE CONSTRUCTION OF ON SITE ROADWAY IMPROVMENTS, CREATING AN EXCEPTION TO THOSE REQUIREMENTS FOR SUBDIVISIONS OF AGRICULTRAL PROPERTY THAT CREATE A NEW LOT OF TEN ACRES OR MORE, CLARIFYING THE ON SITE ROADWAY IMPROVEMENT CONSTRUCTION AND FEE IN LIEU OF CONSTRUCTION REGULATUIONS, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.

WHEREAS, the Allen Township Board of Supervisors adopted the Code of the Township of Allen (the "Code"), as amended, on November 8, 2007; and

WHEREAS, the Allen Township Board of Supervisors desires to amend the provisions of the Code; Chapter 1, Part 8 and Chapter 22 , Part 4 to enact certain revisions pertaining to the construction of roadway improvements or the payment of a fee in lieu of roadway improvements, and to consolidate those requirements in Chapter 22 (Subdivision and Land Development); and

WHEREAS, the Allen Township Board of Supervisors has determined that it is in the best interests of the public health, safety, and welfare to provide for a payment in lieu of construction provision relative to certain on site roadway improvements, and to create an exception to those provisions for certain agricultural properties; and

WHEREAS, the provisions of this Ordinance have been reviewed by the Allen Township and Lehigh Valley Planning Commissions; and

WHEREAS, an advertised Public Hearing, concerning the substantive provisions of this Ordinance, was held on May 24, 2016.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of

Supervisors of Allen Township, that the Code of the Township of Allen, as amended, be and is further amended as follows:

SECTION 1. Amendment of Chapter 1.

Chapter 1 (Administration), Part 8 (Roadway Improvement Fund) is hereby deleted in its entirety.

SECTION 2. Amendment of Chapter 22.

Chapter 22 (Subdivision and Land Development), Part 4, Section 407(2) is hereby amended by adding subsections (a) and (b) as follows:

- (a) *In lieu of construction of the on-site roadway improvements required by this Section, an applicant may request that the Board of Supervisors accept a fee to be paid to the Allen Township Roadway Improvement Fund. The amount of the fee shall be calculated in accordance with the provisions of the Allen Township Fee Resolution, as adopted from year to year by the Township Board of Supervisors. The Board of Supervisors, in its sole discretion, may accept the fee in lieu, or, in the alternative, require the construction of the on-site roadway improvements referred to herein.*
 - i. *Payment of the fee referred to herein shall relieve the property owner and future owners of the obligation to construct future on-site roadway improvements, or the payment of an additional fees, for that portion of the frontage attributable to the fee previously paid.*

- (b) *Any minor subdivision of agricultural property that creates a maximum of one new lot, consisting of ten (10) acres or more, shall be exempt from the requirement to improve the bordering public or private streets and the payment of the fee in lieu of construction.*
 - i. *No further exemption shall be authorized under this provision until a period of ten (10) consecutive years has passed from the date of the approval of the one lot minor subdivision referred to herein.*
 - ii. *Any application for further subdivision or land development of a property that has utilized this exemption shall be subject to the provisions of this Section 407(2), unless the time period required by subsection (b)(i) has passed, and the other requirements of this subsection (b) have been satisfied.*

- (c) *The Pennsylvania Department of Transportation shall make the final determination regarding streets and roadways under its sole jurisdiction.*

SECTION 3. Severability

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Board of Supervisors of Allen Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

SECTION 4. Repealer

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5. Effective Date

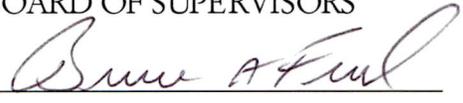
The provisions of this Ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED THIS May 24, 2016 DAY OF 2016, BY THE ALLEN TOWNSHIP BOARD OF SUPERVISORS.

ATTEST:



ALLEN TOWNSHIP
BOARD OF SUPERVISORS





Dale M. Hessler

Laurence Oberf
