

CODIFIED ORDINANCES  
OF THE  
CITY OF BETHLEHEM  
PENNSYLVANIA

PART THIRTEEN - ZONING CODE

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## ARTICLE 1301

### TITLES, PURPOSE AND INTERPRETATION

1301.01 Title

A Zoning Ordinance regulating and restricting the height, location, size and use of buildings and/or land in the City of Bethlehem, Pennsylvania, the areas to be occupied by buildings in proportion to the size of the lots upon which they stand: the size of yards and other open spaces appurtenant thereto and the density of population, and for these purposes establishing districts and boundaries, and other uses within such districts and boundaries and providing for the appointment of a Zoning Hearing Board, and setting forth the duties and functions of said Board and providing for administration, charges and enforcement of this Ordinance and providing penalties for violation thereof.

1301.02 Short Title

This Zoning Code shall be known and may be cited as "The Zoning Ordinance of the City of Bethlehem, Pennsylvania." It is also hereinafter referred to as Zoning Ordinance.

1301.03 Purpose

The purpose of this Zoning Ordinance is to promote the public health, safety, morals and general welfare by:

- (a) Encouraging the most appropriate use of land.
- (b) Preventing the overcrowding of land.
- (c) Conserving the value of land and buildings.
- (d) Lessening the congestion of traffic on the roads.
- (e) Avoiding undue congestion of population.
- (f) Providing for adequate light and air.
- (g) Securing safety from fire, flood and other dangers.
- (h) Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public facilities.
- (i) Giving reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses.
- (j) Guiding and regulating the orderly growth, development, and redevelopment of the city in accordance with the adopted Comprehensive Plan of the City of Bethlehem which contains the long-term objectives, principles and standards deemed beneficial to the interests and welfare of the people.

1301.04 Interpretation

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and general welfare of the City. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

1301.05 Separability

It is hereby declared to be the legislative intent that:

- (a) If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- (b) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

1301.06 Application to Public Utility Corporations

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

1301.07 Application to City and Municipal Authorities

This ordinance shall not apply to any lot, existing or proposed building, use thereof, of any expansion thereof, owned, used or to be used by the City of Bethlehem, and/or by any Municipal Authority created by the City of Bethlehem, when such lot, building and/or use is for a governmental purpose.

[Section 1301.07 was amended by Ordinance No. 4194 on June 3, 2003]

## ARTICLE 1302

### DEFINITIONS

#### 1302.01 General

- (a) Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated:
- (1) Words used in the present tense include the future.
  - (2) The singular includes the plural, and the plural the singular.
  - (3) The word "person" includes a corporation, partnership, association and individual.
  - (4) The word "shall" is always mandatory. The word "may" is permissive.
  - (5) The word "lot" includes the word "parcel", "tract", or "plot".
  - (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
  - (7) The word "City" means the City of Bethlehem, Lehigh and Northampton Counties, Pennsylvania; the terms "Council", "Zoning Board", "Planning Commission" mean respectively, the City Council, the Zoning Hearing Board and the City Planning Commission of the City. County refers to Lehigh County and/or Northampton County, Pennsylvania.
  - (8) All definitions stated in Article II of the Subdivision and Development Ordinance of the City of Bethlehem, as amended, shall represent the usage of those words when used in this Ordinance.

#### 1302.02 Accessory Building or Use

A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "Accessory Building" may include a private garage, garden shed or barn, private playhouse, private greenhouse, private swimming pool, guesthouse, caretaker's cottage, or servants' quarters, as hereinafter provided.

Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

1302.03      Adult-Oriented Establishment

The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited to, the definitions for "Adult Bookstore," "Adult Entertainment," "Adult Mini-Motion Picture Theater," "Adult Motion Picture Theater," "Sexual Activities," "Specified Anatomical Areas," and "Specified Sexual Activities."

[Section 1302.03 was added by Ordinance No. 4393 on October 3, 2006]

1302.04      Alley

A public right-of-way having a right-of-way width of twenty (20) feet or less, which affords a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no main building shall have its frontage on an alley.

1302.05      Alteration

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or conversion of one use to another by virtue of interior change.

1302.06      Assisted Living Facility

See 1302.63 – Personal Care Center

[Section 1302.06 was added by Ordinance No. 4380 on April 19, 2006]

1302.07      Basement

A floor level partly or completely below grade. A basement shall be considered a story if more than one-third of the perimeter walls are five (5) feet or more above the finished grade level of the ground immediately adjacent to the walls.

1302.08      Bed and Breakfast Home

A single family detached residence, owner-occupied, which may provide overnight lodging and serve breakfast to transient guests.

1302.09      Boarding or Rooming House

A dwelling in which at least two rooms are offered for rent, payable in money or other consideration, whether or not meals are furnished to lodgers and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents, and

other similar uses are not deemed as a boarding or rooming house.

1302.10 Billboard

Any sign used to identify the product made or the activity being pursued by any individual, business, service, commercial or industrial enterprise, for the purpose of informing the public of the location of such enterprise and/or the type of activity in which it is engaged.

1302.11 Buffer Yard

Strips of land planted with trees, shrubs and lawns and/or fenced or walled, which serve to separate incompatible uses or zoning districts. See also "Screen or Screening", Section 1302.78.

1302.12 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.

- (a) Detached Building - Any structure, having a roof supported column or by walls and intended for shelter, housing or enclosure of persons, animals or chattels, which is surrounded by open space on the same lot and which has no party, or division wall in common with any other building.
- (b) Completely Enclosed Building - A building separated on all sides from adjacent open space, or from other buildings, by fixed exterior walls or party walls, pierced only by windows, entrance or exit doors, and covered by a permanent roof.

1302.13 Front of Building

The wall of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

1302.14 Main Building

A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, a dwelling shall be deemed a main building on the lot on which the same is located, unless otherwise provided for elsewhere in this Zoning Code.

1302.15 Building Area

The aggregate of the ground floor area of all enclosed and roofed spaces of the principal building and all accessory buildings. Such area shall be computed by using the outside building dimensions of each building measured on a horizontal plane at floor level. The area of any roof or any portion thereof which is at ground level or which has direct access to ground level and which further provides usable plaza, park and/or other open area shall not be considered in calculating building area.

1302.16 Building Line or Building Setback Line

The line between which, and the street or lot line, no building or other structure or portion thereof, except as provided in this Zoning Code, may be erected above grade level. The building line is considered a vertical surface intersecting the ground on such line.

1302.17 Building Permit

See 1302.99 - Zoning and Building Permit.

1302.18 Bulk

The size and shape of building uses, and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings or other walls of the same building; and all open spaces required in connection with a building.

Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, height, required yards, courts, usable open space, floor area ratio, spacing between buildings on a single lot, and the length of buildings in a row.

1302.19 Business Office

A business establishment which does not offer a product or merchandise for sale to the public. Personal services such as barber and beauty shops and repair services are not deemed a business office.

1302.20 B.Y.O.B. Club

“B.Y.O.B. Club” means any business facility such as a dance hall, club or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as “Bring Your Own Bottle” clubs; provided that a facility which is rented for a limited period of time, not to exceed six (6) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B.Y.O.B club under the terms of this Ordinance. B.Y.O.B. club shall not include a restaurant as defined in Section 1302.75, as amended, of the Codified Ordinances of the City of Bethlehem.

1302.21 Cellar

A basement having more than one-half (1/2) its height, measured from floor to ceiling, below the average finished grade level of the ground immediately adjacent to the building.

1302.22 Certificate of Occupancy

A certificate issued by the Bureau of Inspections upon completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building. Said certificate shall acknowledge compliance with requirements of this Ordinance, such adjustments thereto granted by the Zoning Hearing Board, and/or



all other applicable requirements. (See Bill No. 18 - 1970, Ordinance No. 2197).

1302.23 Check Cashing Business

An establishment engaged primarily in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the loan. This term shall not include any of the following: a) a state or federally chartered bank, savings association, credit union, or industrial loan association, b) a Licensed Gaming Facility (or any hotel related thereto) or c) a retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.

[Section 1302.23 was added by Ordinance No. 4393 on October 6, 2006]

1302.24 Church

A building used for public worship.

1302.25 Commercial Vehicle

Any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use. Also, any motor vehicle including passenger cars which by reason of a characteristic coloring, or marking exceeding one (1) square foot in area is identified or commonly associated with any business, industry, or public agency, shall be considered a commercial vehicle within the terms of this Ordinance. Other passenger cars used in business by a resident shall not be considered a commercial vehicle.

1302.26 Comprehensive Plan

The Comprehensive Plan for the City of Bethlehem.

1302.27 Construction Area.

For the purposes of Section 1318.29 entitled "Development Standards for Steep Slopes", "construction area" shall mean the total land areas proposed to be used for and/or within 20 feet of any and all of the following proposed features:

- (a) Principal and accessory buildings.
- (b) Gravel or paved areas (including driveways) other than walkways.
- (c) Areas proposed to be graded.

1302.28 Convalescent Home

A building in which persons are housed or lodged and furnished with nursing care for hire, also known as a nursing home.

1302.29 Courts

An unobstructed open area, bounded on three (3) or more sides by the walls of a building or buildings. It does not include any such area with no windows opening upon it except windows on a stairway.

1302.30 Curb Level

The mean curb level as established by Council or, in the absence of an established curb level, the mean level of the existing curb or of the lot at the street line.

1302.31 Dump

A lot or part thereof used primarily for disposal by abandonment, dumping, burial, burning, incineration, or any other means for whatever purpose, of garbage, offal, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind.

1302.32 Dustless Surface

An adequate covering or paving with concrete, bituminous products, or screenings, stone, or gravel, and maintained in good condition at all times.

1302.33 Dwelling

A building used as a residence.

- (a) Single Family Detached - A building with one (1) dwelling unit, and having no party wall in common with an adjacent building.
- (b) Single Family Attached (Townhouse or Row House) - A building on a single lot which has two (2) party walls in common with adjacent buildings, on adjacent lots, except for end buildings in a row, which have only one (1) party wall.
- (c) Single Family Semi-Detached Dwelling - A one (1) family building on a single lot having one (1) party wall in common with an adjacent one-family building on an adjoining lot.
- (d) Two Family - A building used for two (2) dwelling units or two (2) buildings separated by a common wall, each used for one (1) dwelling unit.
- (e) Two Family Semi-Detached - A two (2) family building on a single lot having one (1) party wall in common with an adjacent two-family building on an adjoining lot, with one (1) living over the other, the two buildings together, however, accommodating but four (4) families, two (2) families living on either side of the party wall.
- (f) Multi-Family - A building used for three (3) or more dwelling units provided the multiple family dwelling or dwellings are in one (1) ownership.
  - (1) Garden Apartment - A multi-family dwelling located on a landscaped lot which provides off-street parking, common open

space, and other services to its tenants. Garden Apartments shall not exceed three and one-half (3 1/2) stories in height.

- (2) Elevator (High-Rise) Apartment - A multi-family dwelling more than three and one-half (3 1/2) stories in height and in one (1) ownership.
- (3) Condominium – A set of six (6) or more individual dwelling units, each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under the Pennsylvania Unit Property Act of 1963 or was/is to be created under the Pennsylvania Uniform Condominium Act of 1980, as amended. Condominiums can be arranged as single family dwellings, two-family dwellings, or multi-family dwellings. Each housing type shall comply with all the standards found in the Table of Area, Yard, and Building Regulations within the district it is located. If the condominium development contains a mix of housing types including a multi-family dwelling, the development shall comply with the multifamily dwelling standards found in the Table of Area, Yard, and Building Regulations and Section 1322.04(f). If proposed streets are not adequate to provide for on street parking in addition to the required parking for individual units, then the development shall provide for clustered parking spaces at another location on the lot convenient to a majority of the units.

[Section 1302.33(f)(3) was amended by Ordinance No. 4310 on March 1, 2005]

1302.34 Dwelling Unit

One (1) or more rooms with provision for cooking, living, sleeping and sanitary facilities arranged for the use of one (1) family.

1302.35 Family

One (1) or more individuals living as a single housekeeping unit and using cooking facilities and certain rooms in common.

1302.36 Fence

An artificially constructed barrier of manufactured material or combination of materials erected for enclosure of yard areas, storage areas, parking areas and for screening.

1302.37 Filling or Service Station

A building or a lot or part thereof having pumps and storage tanks for the retail sale of motor fuels, petroleum products and other accessories for motor vehicles, including facilities for polishing, lubricating, washing, cleaning and minor repairs, but not including storage or parking space offered for rent, except in an industrial district.

1302.38

Flood - A temporary inundation of normally dry land areas.

(a) Flood Plain

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- (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 Flood Plain as defined in the Flood Insurance Study for the City of Bethlehem prepared by the U. S. Department of Housing and Urban Development.

(b) Floodway

The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude without raising the 100-year flood elevation more than one (1) foot. For the purpose of this Ordinance, the floodway and approximated flood plains, as defined in the Flood Boundary and Floodway.

Map and Floodway Data Table prepared by the U. S. Department of Housing and Urban Development.

(c) Flood Fringe

That portion of the flood plain outside the floodway.

(d) One Hundred Year Flood

A flood that has a one (1) percent chance of being equaled or exceeded in any given year.

(e) Regulatory Flood

The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the One Hundred Year Flood.

(f) Regulatory Flood Elevation

For purposes of this Ordinance, the 100-Year Flood Elevation.

(g) Floodproofing

Any combination of structural and non-structural additional, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

1302.39 Floor Area

The sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two (2) buildings. Regardless of the internal arrangement of a building, it shall be deemed to have at least one (1) story for each twenty (20) feet of height or fraction thereof.

1302.40 Floor Area Ratio

The total floor area of a building divided by the area of the lot on which it is located.

1302.41 Garage

A building or part thereof used for the storage of one (1) or more vehicles.

- (a) Community or Public Garage. One (1) or more garages other than a private garage used for compensation. Only facilities for washing tenant's cars may be permitted.
- (b) Private Garage. A garage owned and used by the owner or tenant of the premises.
- (c) Repair Garage. Any garage other than a private garage, available to the public, operated for gain, and which is used for the storage, servicing and repair of automobiles or other motor vehicles, including painting and body work and the supply of gasoline or oil products, but not including the sale of motor vehicles.

1302.42 Height of a Structure

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the average top of fascia height of a pitched roof, or top of parapet wall of a flat roof, provided that there is no living space above the fascia height of a pitched roof. If the area behind the pitched roof includes any living space, then the height of the building shall be measured from the average finished grade at front to the highest point of the structure.

[Section 1302.42 was amended by Ordinance No. 4215 on October 22, 2003]

1302.43 Home Occupation

A personal service customarily conducted entirely within a dwelling solely by members of the resident family, and clearly incidental and accessory to the main use; provided that the occupation is limited to the main building and shall occupy not more than twenty-five percent (25%) of the floor area of said building; that there shall be no exterior evidence of such secondary use other than a small nameplate and no display of products shall be visible from the exterior; and that no mechanical or electrical equipment shall be used except customary household equipment. Beauty parlors, barber shops, hairdressing and manicuring establishments, tea rooms, mortuary establishments, lessons in voice or instrumental music for more than one (1) pupil at a time, and retail business or trade, shall not be considered home occupations.

1302.44 Home Professional Office

The office of a resident physician, dentist, lawyer, architect, engineer, accountant or studio of an artist.

1302.45 Hospital

A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, clinic, convalescent home, nursing home, rest home, or other building with an equivalent appellation.

1302.46 Impervious Coverage

The impervious coverage is the percentage of the lot area of a lot that is covered by building roofs, gravel, concrete or asphalt, and/or other man-made surfaces having a coefficient of runoff of 0.8 or greater. The City Engineer shall determine whether a surface would meet this definition.

1302.47 Hotel

A building or part thereof which has a common entrance and common dining room, and which contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

1302.48 Industry, Non-Nuisance

Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of its lots, or by reason of generating excessive traffic with attendant hazards, and which does not include any open storage yards or outdoor processing of materials.

1302.49 Industrial Park

One (1) or more non-nuisance industrial plant on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, or buildings.

1302.50 Institution

Church, school, college, medical center, hospital, society or organization of a public character and/or the building or buildings used by such organizations.

1302.51 Junkyard

A lot or structure or part thereof, used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or other scrap or discarded material; or for the collection, dismantling, storage, or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

1302.52 Licensed Gaming Facility

A licensed gaming facility as authorized by the Commonwealth of Pennsylvania, pursuant to 4 Pa. C.S., Ch. 11, entitled "Pennsylvania Race Horse Development and Gaming Act," as amended from time to time.

[Section 1302.52 was added by Ordinance No. 4393 on October 6, 2006]

1302.53 Lot

Lot means a parcel of land fronting on a street used or designed to be used by one (1) use or structure or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with such structure or group of structures.

- (a) Lot Area. The total horizontal area within the lot lines of a lot.
- (b) Lot Corner. A lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.
- (c) Lot Coverage. The building area divided by the lot area expressed as a percent.
- (d) Lot, Depth of. The distance along a straight line drawn from the mid-point of the front line to the mid-point of the rear lot line.
- (e) Lot, Interior. A lot other than a corner lot.
- (f) Lot Line. Any boundary of a lot. (See property Line 1302.69).
- (g) Lot Line, Front. The street line at the front of a lot. In the case of a corner lot, the owner may designate either street line as the front lot line.
- (h) Lot Line, Rear. The lot line opposite to the front lot line.
- (i) Lot Line, Side. Any lot line not a front lot line nor a rear lot line.
- (j) Recorded Lot. A registered lot designated as a separate and distinct parcel of land on a legally recorded subdivision plat, or in a legally recorded deed filed among the land records of Lehigh or Northampton Counties, on or before September 25, 1970, and as shown on an official map of the City in its Real Estate Registry as required by law. After September 25, 1970, a recorded lot shall be any lot thereafter legally subdivided and kept on file by the City following approval of a subdivision or re-subdivision plan by the City Planning Commission.
- (k) Lot, Through. A lot having its front and rear yards each abutting on a street as herein defined.
- (l) Lot, Width. The distance between straight lines connecting the ends of the

front and rear lot lines measured at the required building setback lines.

1302.54 Main Use of Building

The principal or most important use of building on a lot.

1302.55 Massage Parlor. An establishment that meets all of the following criteria:

- (a) Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- (b) The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of eighty (80) hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- (c) The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- (d) The massages are conducted within private or semi-private rooms.

[Section 1302.55 was added by Ordinance No. 4393 on October 6, 2006]

1302.56 Manufacturing

The treatment or processing of raw materials, the production of products from raw or prepared materials by giving them new forms or qualities.

1302.57 Medical Office Building

A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

1302.58 Membership Club

A building, structure, lot or land area used as a private club or social organization not conducted for individual profit or gain.

1302.59 Motel

A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts, and other similar uses.

1302.60 Motor Vehicle Sales and Service Agency

A retail establishment which offers motor vehicles for sale to the general public. This business may also perform any repair service to motor vehicles normally performed in a repair garage.



- 1302.61      Non-Conforming Lot
- A lot of record existing at the date of passage of this Zoning Ordinance or due to subsequent zoning changes, which does not have street frontage or the minimum width or depth or contain the minimum area for the zone in which it is located.
- 1302.62      Non-Conforming Sign
- Signs which do not conform to the controls regulating signs in Article 1320.
- 1302.63      Non-Conforming Structure
- A structure lawfully existing at the effective date of this Ordinance or any amendment thereto affecting such structure which does not conform to the Building Regulations of this Ordinance for the district in which it is situated.
- 1302.64      Non-Conforming Use
- Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this Ordinance or any amendment thereto affecting such use, which does not conform to the regulations of this Ordinance applicable to the use and the district in which it is situated.
- 1302.65      Open Area
- An unoccupied area open to the sky, usually in a natural state but including squares, plazas and formal gardens. Also the unoccupied area open to the sky on the same lot with a principal and/or accessory building.
- 1302.66      Overnight Shelter
- A facility operated by a non-profit agency providing single-night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address.
- 1302.67      Parking Area
- A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges in money or other consideration.
- 1302.68      Parking Space
- A stall or berth used for parking motor vehicles, the length of which shall be no less than nineteen (19) feet and the width of which shall be no less than nine (9) feet, exclusive of and to which there is access from a street or alley.
- 1302.69      Pawn Shop
- An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop

[Section 1302.69 was added by Ordinance No. 4393 on October 6, 2006]

1302.70 Personal Care Center

Personal Care Center means a facility which provides, on a regular basis, housing, limited health care, and specialized assistance with daily living to individuals who do not need care within a hospital or nursing home, but who need such care because of their advanced age, physical or mental handicap or illness. The term Personal Care Center shall only include facilities licensed as such by the Pennsylvania Department of Public Welfare or its successor agency. Personal Care Center may also be known as Assisted Living Facilities.

[Section 1302.70 was added by Ordinance No. 4380 on April 19, 2006]

1302.71 Planned Industrial Development

Land under single ownership or agreement developed according to a detailed plan to provide serviced sites for manufacturing plants, distribution warehouses and similar industrial uses, providing adequate overall intensity of land use, access and amounts of light, air and open space, while permitting flexibility in placement and bulk, and adequate safeguards protecting the neighborhood from any adverse effects.

1302.72 Planned Office Development

Land under single ownership or agreement developed according to a detailed plan to provide one (1) or more sites for the office structure providing adequate overall intensity of land use, access or amount of light, air and open space, while permitting flexibility in placement and bulk and adequate safeguards protecting the neighborhood from any adverse effects.

1302.73 Planned Unit Development

A tract of land under single ownership or agreement, planned and developed as a permanent, year-round residential unit, utilizing a reasonable degree of flexibility in the placement, bulk, and interrelationship of buildings and uses, while at the same time maintaining adequate overall intensity of land use, density of population, and amounts of light, air, access, and open space.

1302.74 Portable Structure

A structure or building, whether above or below grade level, designed or intended for seasonal rather than year-round use, and not attached to a principal building.

1302.75 Private Power Generation Facility

A facility owned and operated by an entity, other than a governmental body or public utility, which generates, transmits and/or distributes electrical energy for sale.

1302.76 Professional Office

The office of a recognized profession maintained for the conduct of said profession. Such professions shall be limited to those of medicine, law, architecture, engineering, art, religion, music, insurance, real estate, and accounting.

- 1302.77      Property Line
- A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.
- 1302.78      Public Notice
- Notice of the time and place of a hearing, meeting, or proceeding printed in a newspaper of general circulation in a manner provided by law.
- 1302.79      Recreational Vehicle
- A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck and not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- 1302.80      Rehabilitation Facility
- A facility which provides treatment and rehabilitation services, which may include room and board, personal care, and intensive supervision and casework, or one which houses individuals, whether adult or juvenile, receiving therapy and counseling under the supervision and constraints of alternatives to imprisonment, but not limited to pre-release, work release, restitution or probationary programs.
- 1302.81      Residential Retirement Complex
- A planned residential development for persons of retirement age located on ten (10) acres or more which is held in one (1) ownership and which provides certain health care facilities for the residents. Additional communal facilities may also include dining, recreation, open space, parking and related facilities and services.
- 1302.82      Residential Treatment Facility
- A facility whose primary function is to temporarily house individuals for the purpose of receiving medical, psychological, or social treatment and/or counseling. This shall only apply to those groupings covered as protective classes under federal law.
- 1302.83      Restaurant
- Any establishment, however designated, at which food is prepared and sold for consumption on the premises. However, a concession stand at a public or a community playground, playfield, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.
- 1302.84      Restaurant, Drive-In
- An establishment where food is prepared and sold primarily for consumption outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, indoor or outdoor seats

or other accommodations are provided for the patrons.

1302.85 Satellite Earth Stations

A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites. (See 1318.28).

1302.86 Screen or Screening

A strip at least four (4) feet wide, densely planted with shrubs or trees at least six (6) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high, a solid wall or barrier, or uniformly painted fence, at least six (6) feet high. Either shall be maintained in good condition at all times, and may have normal entrances and exits, but shall have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow and the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area, which shall be non-illuminated. See also "Buffer Yard", Section 1302.09.

1302.87 Shopping Center

Three (3) or more retail stores designed as an integrated unit served by common parking and service facilities, and having architectural and landscape unity.

1302.88 Single and Separate Ownership

The ownership of a lot by one (1) or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot. Ownership of two (2) or more contiguous lots by one (1) or more persons, partnerships, or corporations shall be construed to comprise one (1) lot.

1302.89 Slope of Construction Area

The slope of the construction area shall be defined as the highest slope that is present within the construction area prior to disturbance. See "Exceptions" in Section 1318.29, and the definition of Construction Area in Article 1302. The contours of land regulated by this section shall not be altered prior to documentation, submission and regulation under this section.

1302.90 Special Exception Uses

A use in one (1) or more districts for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of the Zoning Ordinance.

1302.91 Steep Slope

Any area of land with a gradient in excess of 15%.

1302.92 Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof above. (See Basement 1302.05).

1302.93 Street

Any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and commonly used by the public for street purposes, and shown upon the Official Map or upon a filed plat. An alley shall not be deemed a street.

- (a) Street Curb Line. The official line with grade of an existing or proposed curb on any street as approved by the Department of Public Works.
- (b) Street Line. The dividing line between a lot and the outside boundary of a public street or street right-of-way, or between a lot and a private street which serves two (2) or more separately owned homes or buildings.
- (c) Street Width. The perpendicular distance between street lines.

1302.94 Structures

Anything constructed or erected above or below the ground or upon another structure.

1302.95 Substantial Damage

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

1302.96 Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of the definition 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

1302.97 Substation, Gas or Electric

An assemblage of equipment for purposes other than generation or utilization, through which electric or gas energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that an electric or gas substation permitted in a residence district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing of repair crews.

1302.98 Swimming Pool, Private

Any receptacle or artificially constructed container for water, whether erected above or below ground level, having a wall depth of two (2) feet or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein, used in connection with dwelling units, available only to the family of the dwelling unit holder and his private guests, not open to the public, and not otherwise regulated by any statutes or by rules and regulations other than those of the City of Bethlehem.

1302.99 Swimming Pool, Public or Semi-Public

Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

1302.100 Telephone Relay Office

A building and its equipment erected and used only for the purposes of the transmission and exchange of telephone or radio-telephone messages.

1302.101 Temporary Shelter

A facility operated by a non-profit agency providing single-night, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood, domestic violence, condemnation, court-ordered eviction or other urgent event).

1302.102 Theaters, Drive-In

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on paid admission basis, to patrons seated in automobile or on outdoor seats.

1302.103 Trailer, Including Automobile Trailer and Mobile Homes

Any vehicle or structure used as a dwelling or for commercial use, which utilizes wheels and axles for its transportation or is designed to be transported as a unit on separate wheels and axles.

1302.104 Trailer Camp

A lot or part thereof, with its appurtenant facilities, used primarily for the parking of one (1) or more trailers utilized on such lot for living or sleeping purposes.

1302.105 Variance

A modification of the regulations of this Ordinance, granted on grounds of exceptional difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of Article 1325 of this Zoning Ordinance, and the laws of the State of Pennsylvania.

1302.106 Visitor Center

A use which shall include exhibit space, presentation space, informational displays and/or retail space. The Visitor Center may also include ancillary and operational spaces necessary to support the visitor center such as restaurants, administrative offices, storage, etc.

[Section 1302.106 was amended by Ordinance No. 4310 on March 1, 2005]

1302.107 Yard

Any open space located on the same lot with a principal building situated between the nearest roofed portion of the principal buildings and a lot line.

- (a) Yard, Front. A yard extending across the full width of the lot abutting the front lot line.
- (b) Yard, Rear. A yard extending across the full width of the lot, abutting the rear lot line.
- (c) Yard, Side. A yard extending from the front yard to the rear yard, abutting the side lot line.
- (d) Yard, Width. The minimum perpendicular distance between the lot line and the nearest roofed portion of the principal building.

1302.108 Zoning Officer

The duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the City of Bethlehem.

1302.109 Zoning and Building Permit

A permit stating that a building and/or the proposed use of a building and/or land is in conformity with all applicable city building and zoning ordinances.

ARTICLE 1303

CLASSIFICATION OF DISTRICTS

1303.01 Establishment of Districts

The City of Bethlehem is hereby divided into zoning districts of different types, each type being of such number, shape, kind and area, and of such common units or purpose and adaptability of use that is deemed most suitable to carry out the objectives of this Ordinance.

Each parcel of land and every building or other structure in the City, except as otherwise provided by law or by the Ordinance, shall be subject to the regulations, restrictions and requirements specified for the district in which it is located.

1303.02 Classes of Districts

For the purposes of this Zoning Ordinance, the City is divided into nineteen (19) classes of districts which shall be designated as follows:

R-R	Residence District
R-S	Residence District
R-G	Residence District
R-T	Residence District
R-M	Residence District
R-RC	Residential Retirement Complex
I	Institutional District
C-B	Commercial Business District
C-G	General Commercial District
C-L	Limited Commercial District
C-S	Shopping Center District
C-R	Commercial Recreation District
C-M	Office - Research Center District
P-I	Planned Industrial District
L-I	Light Industrial District
H-I	Heavy Industrial District
I-R	Industrial Redevelopment District
CM-LTN	Landmark Conservation and Traditional Neighborhood Development Overlay District
CMU	Mixed Use Commercial District

1303.03 Zoning Map

The Bethlehem Zoning Map shall consist of maps prepared in two different scales. A small scaled map depicting the zoning districts of the City accompanies this text. This map is for use by the general public and does not show the precise zoning district boundaries. The official map shall be kept in the office of the Zoning Officer. This larger map shall be prepared at a scale: 1" = 400'. Said map and all notations, references and data shown thereon are hereby incorporated by reference into this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described herein.



1303.04 District Boundaries

Where uncertainty exists with respect to the boundaries between districts as shown on the Zoning Map, the following rules shall apply.

- (a) Where district boundaries are indicated as approximately coinciding with the center lines of streets or railroad rights-of-way, such center lines shall be construed to be such boundaries unless otherwise indicated in this Ordinance.
- (b) Where boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than ten (10) feet distant therefrom, such lot lines shall be construed to be such boundaries unless otherwise indicated in this Ordinance.
- (c) For unsubdivided land and where a district boundary divides a lot, the location of such boundary shall be determined by the use of the scale on the Zoning Map unless the boundaries are indicated by dimensions.
- (d) All areas of the City which are under water and are now shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet each other.
- (e) Where land area has become a part of the City by annexation, the same shall automatically be classed as being in the "R-R Residential" district until such classification shall have been changed by an amendment to the Zoning Ordinance as provided herein.
- (f) Whenever any street, alley, or other public right-of-way is vacated, the zoning district adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation.

1303.05 Boundary Tolerances

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Zoning Ordinance, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district, a distance of not more than fifty (50) feet beyond the district boundary line.

1303.06 Floodway and Flood Fringe Districts

For the regulations pertaining to the floodway and flood fringe districts, which are overlays to the existing districts as shown on the Zoning Map, refer to Article 1327.

## R-R RESIDENTIAL DISTRICT

### 1304.01 Purpose

The purpose of this zoning district is to preserve and to provide low density residential areas within the City, and to encourage the future development of designated areas as predominately low density single family residential areas.

### 1304.02 Use Regulations

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other, subject to the applicable provisions of Article 1318 "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
  - (1) Single family detached dwelling.
  - (2) Public park or playground.
  - (3) Farming, including, but not limited to, truck gardening and nursery (horticultural) use and stables, provided that such use must be on a lot having an area of not less than one (1) acre and any buildings or enclosure used for the keeping of livestock, including, but not limited to poultry and rabbits, shall be set back not less than one hundred (100) feet from the front street line and not less than seventy-five (75) feet from any other street and any property line.
  - (4) Roadside stand for the sale of farm and nursery products produced on the property and offered for sale.
  - (5) Electric substation or automatic telephone exchange without any rotary converter or generating machinery. Outdoor storage and garaging of motor vehicles shall be prohibited with said use.
- (b) The following uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322:
  - (1) Community Center Building, public library, municipal building, fire station, police station and similar municipal uses.
  - (2) Single family detached dwelling fronting on a common private driveway.
- (c) The following uses and their customary accessory uses when authorized as a special exception by the Zoning Hearing Board may be permitted, subject also to the provisions of Article 1325:
  - (1) Public or private educational institution or use, including an

elementary or secondary school or kindergarten, but not a business school, trade school, dance school or similar use.

- (2) Church, rectory, parish house or similar religious institution.
  - (3) Cemetery [See Section 1325.08(a)].
  - (4) Conversions [See Section 1325.08(b)].
  - (5) Commercial greenhouse and nursery. [See Section 1325.08(d)].
  - (6) Residential Treatment Facility [See Sections 1325.08(j) and (k)].
- (d) Accessory uses on the same lot and customarily incidental to the permitted use are permitted by right. The term "accessory use" shall not include a business (except as outlined in Section 1318.30) but may include:
- (1) Private parking space or private garage, private garden or home swimming pool.
  - (2) Sign pursuant to Article 1320.

1304.03 Area, Yard and Building Regulations

(See Article 1318).

1304.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1304.05 Sign Regulations

(See Article 1320).

1304.06 Site Plan Review Requirements

(See Article 1321).

1304.07 R-R Residential District Overlay Zone #1

- (a) Purpose. This overlay recognizes that this specific area is uniquely situated and allows development consistent with such uniqueness. Specifically, portions of Creek Road are rural in nature and have historical significance to the City. At the same time, there are severe development pressures on the overlay area created by the abutting and surrounding residential and commercial uses located along Friedensville Road. In addition, Friedensville Road has a much higher volume of traffic than Creek Road. Moreover, Lower Saucon Township is located across Friedensville Road, which portion of the Township is zoned for higher density uses. The purpose of this overlay is to provide the opportunity to develop the area so that it conforms to certain unique rural residential characteristics of the Creek Road area, including the lessening of the potential impact on Creek Road, yet at the same time recognizes and allows development

consistent with certain higher-density characteristics of the area.

- (b) This Section creates an R-R Overlay District, which shall consist of the geographic area in the R-R District in Ward 16 of the City, bounded by Creek Road on the East, Friedensville Road on the South, the R-G District to the West and the property identified as Northampton County Tax Map No. Q7-8-6A to the North.
- (c) Semi-detached dwelling units shall be permitted following review and recommendation by the Planning Commission in accordance with the provisions of Article 1322, subject to the following requirements:
  - (1) The overall gross density for such use shall not exceed one (1) dwelling unit per 15,000 sq. ft. of the entire development tract.
  - (2) The minimum lot area for each semi-detached dwelling unit shall be 7,500 square feet.
  - (3) The front yard setback for such use shall be 30 feet.
  - (4) The rear yard setback for such use shall be 20 feet.
  - (5) Each unit shall be required to meet one side yard setback of 6 feet.
  - (6) The maximum building coverage for such use shall be 35%.
  - (7) The minimum lot width per dwelling unit shall be 30 feet.
  - (8) The maximum height limitations shall be 2.5 stories and 35 feet.
  - (9) There shall be a 30 foot buffer yard around the entire overlay district, which area shall be measured after the dedication of any rights-of-way to the City. Adequate visual screening approved by the Planning Commission during land development review shall be placed within the buffer area, which may include but is not limited to landscaping, fencing and berms. The buffer yard may include any required setbacks.
  - (10) The dwelling units shall be designed as a single architectural project and shall not detract from the character of the surrounding neighborhood.

[Section 1304.07 was added by Ordinance No. 4205 on August 19, 2003]

1304.08 R-R Residential District Overlay Zone #2

- (a) Purpose. This overlay recognizes that this specific area is uniquely situated and allows development consistent with such uniqueness. Specifically, portions of land lying along the west side of Township Line Road are agricultural in nature and have significance to the City as a natural buffer and transitional zone between U.S. Rt. 22 and other adjacent residential land. At the same time, there are severe development pressures on this

overlay area created by the presence of the largest arterial highway, U.S. Rt. 22, in the Lehigh Valley immediately adjacent to the overlay area, as well as a major industrial park, LVIP IV, located immediately adjacent in Hanover and Bethlehem Townships. It is becoming increasingly more difficult to economically farm the overlay area or utilize it for agricultural purposes, especially as adjacent lands are developed and/or abandoned as agricultural uses. In addition, Township Line Road is a narrow, rural road as are a number of the connecting roads to this overlay area. The overlay is limited to age restricted housing (over age 55) and the traffic generation from any development utilizing the overlay will be less than if the overlay area was developed under traditional R-R regulations thereby continuing the rural nature and environment of the surrounding and adjacent lands as well as the overlay area. The purpose of this overlay is to provide the opportunity to develop this overlay area while continuing to utilize it as a buffer between U.S. Rt. 22 and other residential lands and at the same time managing the traffic impact on Township Line Road and other adjacent roads leading to the overlay area, and thereby maintaining a transitional zone compatible with sound planning.

- (b) This Section creates an R-R Overlay District, which shall consist of the following geographic area:

“All that certain tract or parcel of ground situate along Township Line Road, in the Fourteenth (14<sup>th</sup>) Ward, City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania, known as Lot 2 on a Plan entitled “Minor Subdivision - Lands of James D. Mack and Elizabeth R. Stahl”, as drawn by Frank G. Waldruff Associates, dated May 25, 1977, and revised June 23, 1977, bounded and described as follows:

**BEGINNING** at a point on the centerline of Township Line Road (50 feet wide); thence in and through said Township Line Road South 41° 46' 42" West, 25.00 feet to an iron pin on the right-of-way of Township Line Road, said pin being a common corner with lands now or formerly of James E. and Shelly K. McGeary (Deed Book Volume 2001-1, 151146); thence along said lands, the following two (2) courses:

1. South 56° 09' 00" West, 234.67 feet to an angle iron; thence
2. South 33° 51' 00" East, 228.36 feet to a point in line with lands now or formerly of Kent B. and Susan L. Zimmerman (Deed Book Volume 2000-1, 65247); thence along said lands the following three (3) courses:
  1. South 29° 18' 54" West, 121.49 feet to an iron pipe; thence
  2. South 47° 30' 06" East, 103.96 feet to an iron pipe; thence
  3. South 20° 55' 58" West, 95.15 feet to an iron pipe in line with lands now or formerly of Thomas H. and Karlene A. Gulick (Deed Book Volume 19944, 2284); thence along

said lands the following two (2) courses:

1. South 84° 16' 23" West, 556.41 feet to a point; thence
2. North 05° 43' 37" West, 662.88 feet to an iron pipe in line with the southern right-of-way of PA Route 22 (120 feet wide); thence along said right-of-way

North 60° 09' 25" East, 479.81 feet to a point in line with the western right-of-way line of Township Line Road (50 feet wide); thence continuing along said right-of-way North 60° 09' 25" East 26.34 feet to a point on the centerline of Township Line Road, thence along said centerline South 48° 13' 18" East, 378.06 feet to the **PLACE OF BEGINNING**.

Containing approximately 453,410 square feet or 10.4088 acres.

Generally, said parcel of land is bounded on the North by US Route 22, on the East by Township Line Road and Northampton County Tax Parcels M6 1 4D 0204 and M6 1 4B 0204, and on the South and West by Northampton County Tax Parcel M6 1 2 0205."

- (c) An Age Qualified Development (as hereinafter defined) is subject to the following requirements:
- (1) The dwellings must be deed restricted to the satisfaction of the City to persons at least 55 years of age and their spouses with no children routinely living in the development under the age of eighteen (18) ("Age Qualified Development").
  - (2) Prior to final approval of the development plans, the City must be satisfied with and agree to the legal arrangements and contracts to ensure the age restrictions will be adhered to.
  - (3) A minimum tract size of nine (9) acres is required.
  - (4) A maximum density of five (5) dwelling units per acre is permitted.
  - (5) The dwelling units shall be designed as a single architectural project and shall not detract from the character of the surrounding neighborhood.
  - (6) Unit types allowed shall include single family detached, single family semi-detached and single family attached units up to three units in a row which shall not exceed 132 feet in length.
  - (7) The front yard setback for such use shall be 35 feet.

- (8) The rear yard setback for such use shall be 40 feet.
- (9) The side yard setback for such use shall be 25 feet.
- (10) The minimum building separation for such use shall be 20 feet.
- (11) The maximum building coverage for such use shall be 35%.
- (12) The maximum height limitations shall be 2.5 stories or 35 feet.
- (13) There shall be a 100 foot buffer yard along the right-of-way of Route 22. Adequate visual screening approved by the Planning Commission during land development review shall be placed within the buffer area, which may include but is not limited to landscaping, fencing and berms. The buffer yard may include any required setbacks.
- (14) If the total development includes more than 50 units, then a community center must be provided for residents and their occasional guests. The community center may include a library, exercise room, craft shop, restroom facilities, restaurant, kitchen and dining area and community room.

[Section 1304.08 was added by Ordinance No. 4302 on January 4, 2005]

## ARTICLE 1305

### R-S RESIDENTIAL DISTRICT

#### 1305.01 Purpose

The purpose of this zoning district is to provide single family areas of medium density with provisions for multi-family dwellings with densities compatible with single family residential areas, thus providing a variety of housing types.

#### 1305.02 Use Regulations

A building may be erected or used, and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provision of Article 1318, "General Regulations" and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
  - (1) Any use permitted in R-R Residential District.
- (b) The following uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322:
  - (1) Any use permitted in R-R Residential District except single family detached dwellings fronting on a common private driveway.
  - (2) Multiple family dwellings [See Section 1322.04(f)].
  - (3) Planned Unit Development.
- (c) The following uses and their customary accessory uses when authorized as a special exception by the Zoning Hearing Board may be permitted, subject also to the provisions of Article 1325.
  - (1) Any use permitted in R-R Residential District.
  - (2) Home Professional Office [See Section 1325.08(h)].
- (d) The following accessory uses are permitted by right:
  - (1) Any use permitted in R-R Residential District.

#### 1305.03 Area, Yard and Building Regulations.

(See Article 1318).

#### 1305.04 Off-Street Parking and Loading Regulations.

(See Article 1319).

#### 1305.05 Sign Regulations



(See Article 1320).

1305.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1306

### R-G RESIDENTIAL DISTRICT

#### 1306.01 Purpose

The purpose of this zoning district is to provide transition of single family residential areas into medium density two (2) family and multiple family residential areas.

#### 1306.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
  - (1) Any use permitted in R-S Residential District.
  - (2) Boarding House.
  - (3) Single family attached dwelling.
- (b) The following uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322:
  - (1) Any use permitted in R-S Residential District.
- (c) The following uses and their customary accessory uses when authorized by a special exception by the Zoning Hearing Board may be permitted, subject also to the provision of Article 1325:
  - (1) Any use permitted in R-S Residential District.
  - (2) Undertaking establishment and funeral parlor [See Section 1325.08(g)].
  - (3) Personal Care Centers, Assisted Living Facilities
  - (4) Child day care centers.
  - (5) Customary home occupations.
  - (6) Bed and Breakfast Home [See Section 1325.08(i)].

[Section 1306.02(c)(3) was added by Ordinance No. 4380 on April 19, 2006]

- (d) The following accessory uses may be permitted:

(1) Any use permitted in R-S Residential District.

1306.03 Area, Yard and Building Regulations

(See Article 1318).

1306.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1306.05 Sign Regulations

(See Article 1320).

1306.06 Site Plan Review Requirements.

(See Article 1321).

## ARTICLE 1307

### R-T RESIDENTIAL DISTRICT

#### 1307.01 Purpose

The purpose of this zoning district is to provide for a variety of high density housing types.

#### 1307.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
  - (1) Any use permitted in R-G Residential District.
  - (2) Single family semi-detached dwelling.
  - (3) Two (2) family detached dwelling.
  - (4) Two (2) family semi-detached dwelling.
- (b) The following uses and their customary accessory uses may be permitted following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322.
  - (1) Any use permitted in R-G Residential District.
- (c) The following uses and their customary accessory uses when authorized by a special exception by the Zoning Hearing Board may be permitted, subject also to the provisions of Article 1325:
  - (1) Any use permitted in R-G Residential District.
  - (2) Community Garage or Parking Lot [See Sections 1325.08(c) and (e) and 1319.03].
- (d) The following accessory uses may be permitted:
  - (1) Any use permitted in R-G Residential District.

#### 1307.03 Area, Yard and Building Regulations

(See Article 1318).

#### 1307.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1307.05 Sign Regulations

(See Article 1320).

1307.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1308

### R-M RESIDENTIAL DISTRICT

#### 1308.01 Purpose

The purpose of this zoning district is to provide for high density residential uses and compatible residentially-oriented non-residential uses.

#### 1308.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
  - (1) Any use permitted in R-T Residential District.
- (b) The following uses and their customary accessory uses may be permitted following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322:
  - (1) Any use permitted in R-T Residential District.
- (c) The following uses and their customary accessory uses when authorized by a special exception by the Zoning Hearing Board may be permitted, subject also the provisions of Article 1325:
  - (1) Any use permitted in R-T Residential District.
  - (2) Temporary or Overnight Shelter.
- (d) The following accessory uses may be permitted:
  - (1) Any use permitted in R-T Residential District.

#### 1308.03 Area, Yard and Building Regulations

(See Article 1318).

#### 1308.04 Off-Street Parking and Loading Regulations

(See Article 1319).

#### 1308.05 Sign Regulations

(See Article 1320).

#### 1308.06 Site Plan Review Requirements

(See Article 1321).

1308.07 R-M Residential District Overlay Zone

The purpose of the overlay zone is to permit the density and flexibility of the R-M zoning district, while also providing appropriate limitation to the height of development where the R-M district abuts a neighboring community with comparable height provisions.

- (a) The R-M Residential District Overlay Zone is identified on the Zoning Map of the City of Bethlehem and shall consist of that geographic area in the R-M Residential District in Ward 16 of the City, bounded by the I-78 Interchange on the North, Easton Road and then Township of Lower Saucon Municipal Boundary on the East, Cherry Lane and the Borough of Hellertown Municipal Boundary on the South and the C-G General Commercial District on the West.
- (b) The maximum building height in this overlay zone district shall be two and one half (2-1/2) stories and thirty-five (35) feet for all uses along the property line fronting the street right of way of Cherry Lane to a depth approximately one hundred eighty eight (188) feet North and parallel to the property line encompassing an area of approximately six and one half (6-1/2) acres. The maximum height of buildings on the remaining estimated five (5) acres, Area "A", shall be three and one half (3-1/2) stories and fifty (50) feet. The land in Area "A" is generally lower than the land fronting Cherry Lane, therefore, the overall heights of the buildings will also appear lower.

[Section 1308.07 was added by Ordinance No. 4195 on June 3, 2003]

## ARTICLE 1308A

### R-RC RESIDENTIAL RETIREMENT COMPLEX

#### 1308A.01 Purpose

The purpose of this zoning district is to provide an area for a planned residential development for persons of retirement age including communal dining, recreation, open space, parking and related facilities. Ancillary health care facilities shall also be provided for the primary use of the residents of the complex.

#### 1308A.02 Use Regulations

A building or group of buildings may be erected or use, and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", the conditional approval regulations as stated in Articles 1321 and 1322, and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted following site plan review and approval by the City Planning Commission:
- (1) Multi-family dwelling units.
  - (2) Health care facility.
  - (3) Open space.
  - (4) Community building, including dining and recreational facilities, and the sale of food and drugs.
  - (5) Personal Care Centers, Assisted Living Facilities.

[Section 1308A.02(a)(5) was added by Ordinance No. 4380 on April 19, 2006]

- (b) The following uses and their customary accessory uses when authorized as a special exception by the Zoning Hearing Board may be permitted, subject also to the provisions of Article 1325.
- (1) Residential Treatment Facility. [See Sections 1325.08(j) and (k)].

#### 1308A.03 Area, Yard and Building Regulations

(See Article 1318).

#### 1308A.04 Off-Street Parking and Loading Regulations

(See Article 1319).

#### 1308A.05 Sign Regulations

(See Article 1320).



1308A.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1309

### I INSTITUTIONAL DISTRICT

#### 1309.01 Purpose

The purpose of this district is to provide areas for large educational, medical and health, and public institutions within which facilities to meet their needs may be developed.

#### 1309.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318 "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following use is permitted by right:
- (1) Public park, playground or recreation area.
  - (2) Commercial Communication Towers and Antennas  
[See Section 1318.28A]
  - (3) Personal Care Centers, Assisted Living Facilities.

[Section 1309.02(a)(3) was added by Ordinance No. 4380 on April 19, 2006]

- (b) The following uses and their customary accessory uses may be permitted following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322:
- (1) Public or parochial school, college, seminary or similar non-profit educational institution.
  - (2) Hospital, nursing or convalescent home, medical or health center or similar health facility.
  - (3) Church, rectory, parish house or similar religious institution.
  - (4) Housing for faculty, students and/or staff of the institution.
  - (5) Professional office building, provided that seventy-five percent (75%) or more of the office space in such building be used for medical or para-medical offices.
  - (6) Theater, auditorium, museum, and library.
  - (7) Arena.

[Section 1309.02(b)(7) was added by Ordinance No. 4216 on October 22, 2003]

(c) The following use and any customary accessory use when authorized as a special exception by the Zoning Hearing Board may be permitted, subject also to Section 1325.08(a):

(1) Cemetery.

(d) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.

1309.03 Area, Yard and Building Regulations

(See Article 1318).

1309.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1309.05 Sign Regulations.

(See Article 1320).

1309.06 Site Plan Review Requirements

(See Article 1321).

1309.07 Zoning Map

For the purpose of mapping the Institutional District, this district has been subdivided into two (2) categories: I equaling City or School District owned properties and I' equaling privately owned properties.

1309.08 Institutional Overlay District

(a) Where a college campus, in an Institutional District, borders a CB Commercial Zoning District, the City Planning Commission may designate a commercial overlay district for that portion of the campus which borders the commercial district under the following conditions:

(1) The overlay district shall be identified on the City Zoning Map.

(2) In addition to the uses previously listed under this Article, the following uses may be included in the overlay district:

- (i) Multiple family dwelling;
- (ii) Pharmacy and drugstore;
- (iii) Food and convenience store;
- (iv) Newsstand, magazine and bookstore;
- (v) Barber Shop;
- (vi) Beauty parlor, salon, and spa;
- (vii) Restaurant, coffee shop and retail bakery;
- (viii) Laundromat and dry cleaning shop;
- (ix) Copy Center;
- (x) Bicycle sales and service shop enclosed within a building;

- (xi) Video store;
- (xii) Music store;
- (xiii) Post office;
- (xiv) Computer sales and repair store;
- (xv) Bank or credit union.

- (3) The total floor area of the commercial uses within the overlay district shall not exceed 20% of the total floor area within the overlay district.
- (4) Although the commercial uses shall be open to the public, each building and use shall be designed as part of the college and intended to serve the college community including students, employees and visitors.
- (5) Setbacks and building facade designs shall match and/or provide an orderly transition between the college and adjacent commercial properties.
- (6) Pedestrian access to the commercial uses shall be provided in a safe, attractive, and convenient manner including such features as parks, plazas, atriums or courtyards.

(Added by Ordinance #4100 on 11/20/01).

## ARTICLE 1310

### C-B COMMERCIAL BUSINESS DISTRICT

#### 1310.01 Purpose

The purpose of this zoning district is to provide for an orderly coordinated development of varied commercial business and office uses in combination with limited intensive residential development in the central business area and to encourage excellence of design in the development of properties.

#### 1310.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
- (1) Multiple family dwelling (maximum height of 3-1/2 stories).
  - (2) Single family attached dwelling.
  - (3) Hotel, motor lodge and motel.
  - (4) Retail and service use. Use must be enclosed within a building.
  - (5) Bank, brokerage firm, insurance agency and other financial institutions.
  - (6) Business or professional office.
  - (7) Theater, auditorium, museum, library and other civic and cultural facility including an amusement and recreational facility. Use must be enclosed within a building.
  - (8) Restaurant for the sale and consumption of food and beverage without drive-in service. (Outdoor dining may be permitted between the hours of 6:00 A.M. and midnight as long as an encroachment permit is also approved by the Public Works Department, if necessary).
  - (9) Radio and television broadcasting studio and transmission towers.
  - (10) Printing, newspaper publishing and bookbinding.
  - (11) Governmental use and public utility installation.
  - (12) Church and related uses, school and educational institution.
  - (13) Funeral home.

- (14) Club organized for fraternal or social purposes and philanthropic institutions.
- (15) Meeting and banquet halls.
- (16) Office and studio, including wholesale office and showrooms with storage limited to samples.
- (17) Passenger terminal facility, including taxi stand, bus and rail passenger station and shelter.
- (18) The following uses, provided that all processing activities, including testing located on the ground floor, be located not less than twenty (20) feet from the front of the building and be effectively screened by a wall or partition from the front of the building:

Blueprinting and photostatic establishment.

Confectionery and bakery for making products only for retail sale on the premises.

Dry cleaning and clothes pressing establishment operated without the use of inflammable cleaning agents.

Frozen food locker.

Job printing shop.

Laboratory, research, testing and experimental use not involving any danger of fire or explosion or any offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influence.

Photographic developing and printing establishment.

Taxidermist.

- (19) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]

- (b) The following uses and their customary accessory uses may be permitted following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322:

- (1) Multiple family dwelling (over 3-1/2 stories in height).
- (2) Department store.
- (3) Parking lot and structure.

- (c) The following uses and their customary accessory uses, when authorized by a special exception by the Zoning Hearing Board, may be permitted, subject also

to the provisions of Article 1325:

- (1) Motor vehicle sales and service agency, provided the use is enclosed within a building.
- (2) Conversions [See Section 1325.08(b)].
- (3) Temporary shelter, overnight shelter, or rehabilitation facility.
- (d) Accessory uses on the same lot and customarily incidental to the aforementioned uses in this Article are permitted, including:
  - (1) Private garage space for the storage of commercial vehicles.
  - (2) Dwelling units incidental to the principal structure and use.

1310.03 Area, Yard and Building Regulations

(See Article 1318).

1310.04 Off-Street Parking and Loading Regulations

- (a) No off-street parking shall be required of the applicant for uses in the C-B District.
- (b) Although off-street parking shall not be required of an applicant, should such be nonetheless provided by him, it shall conform to Section 1319.03.
- (c) The off-street loading requirement shall in no way be affected by paragraph (a) of this Section and shall be provided in accordance with Section 1319.04 and 1319.05.

1310.05 Sign Regulations

(See Article 1320).

1310.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1311

### C-G GENERAL COMMERCIAL DISTRICT

#### 1311.01 Purpose

The purpose of this district is to encourage the proper development of future commercial areas in newly developed, undeveloped or redeveloped areas by individually or corporately owned and operated retail trade service, professional, financial and recreational enterprises which serve the manifested and foreseeable needs of adjacent and surrounding districts and to prevent traffic and parking congestion.

#### 1311.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
- (1) All residential uses, including apartments or dwellings above commercial uses.
  - (2) Retail and service use. Use must be enclosed within a building.
  - (3) Bank, Saving and Loan Association.
  - (4) Restaurant and drive-in restaurant. (Outdoor dining may be permitted between the hours of 6:00 A.M. and midnight as long as an encroachment permit is also approved by the Public Works Department, if necessary).
  - (5) Business or professional office.
  - (6) Dry cleaning, pressing and clothes dyeing shop, limited to a dry cleaning operation of a retail nature where the work handled comes directly from the customer to the shop. The cleaning and drying processes shall be carried on in a building or portion thereof having no more than 250 square feet of area and located at least fifty (50) feet from any Residential District.
  - (7) Kennel, pet shop and veterinary establishment. Entire use must be enclosed within a building.
  - (8) Membership clubs, meeting, banquet, and dance halls.
  - (9) Business, trade, or dance school, or similar use.
  - (10) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]



- (b) None of the permitted uses for this district are required to have conditional approval.
- (c) The following uses and their customary accessory uses when authorized by a special exception by the Zoning Hearing Board may be permitted, subject also to the provisions of Article 1325:
  - (1) Motor vehicle sales and service agencies.
  - (2) Conversions [See Section 1325.08(b)].
  - (3) Any use not specified in Section 1311.02(a) or 1311.02(c) shall require approval by special exception from the Zoning Hearing Board.
  - (4) Temporary shelter, overnight shelter, or rehabilitation facility.
  - (5) Pawn Shop in compliance with Section 1318.35.
  - (6) Check Cashing Business in compliance with Section 1318.34.

[Section 1311.02(c)(5) and 1311.02(c)(6) were added by Ordinance No. 4393 on October 6, 2006]

- (d) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.

1311.03 Area, Yard and Building Regulations

(See Article 1318).

1311.04 Off-Street Parking and Loading Regulations.

(See Article 1319).

1311.05 Sign Regulations.

(See Article 1320).

1311.06 Site Plan Review Requirements.

(See Article 1321).

## ARTICLE 1312

### C-L LIMITED COMMERCIAL DISTRICT

#### 1312.01 Purpose

The purpose of this district is to provide for the continued commercial use of certain areas where many of the original residential structures and lots have been converted to commercial use and for limited new commercial uses. The permitted uses are restricted to those providing for the day to day needs of the immediate neighborhood.

#### 1312.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances. Each non-residential use shall be enclosed within a building and shall have a maximum floor area of 2,500 square feet.

- (a) The following uses are permitted by right:
- (1) Any use permitted in R-M Residential District.
  - (2) Food store.
  - (3) Drugstore.
  - (4) Restaurant without drive-in facilities.
  - (5) Bar.
  - (6) Barber shop.
  - (7) Beauty parlor.
  - (8) Shoe repair shop.
  - (9) Tailor.
  - (10) Florist.
  - (11) Hardware store.
  - (12) Magazine store.
  - (13) Candy store.
  - (14) Bakery store.
  - (15) Doctor's office.
  - (16) Dentist's office.

- (17) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]
- (18) Banks, credit unions and savings and loan associations, but not check cashing establishments or pawn shops.
- (19) Offices of business, institution, profession or similar entity.
- (20) Retail use, excluding the dispensing of gasoline and other fuels.

[Section 1312.02(a)(18,19 and 20) were amended by Ordinance No. 4311 on March1, 2005]

- (b) None of the permitted uses for this district are required to have conditional approval.
- (c) The following uses and their customary accessory uses when authorized by a special exception by the Zoning Hearing Board may be permitted, subject also to the provisions of Article 1325:
  - (1) Conversions [See Section 1325.08(b)].
- (d) Accessory use customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.

1312.03 Area, Yard, and Building Regulations

(See Article 1318).

1312.04 Off-Street Parking and Loading Regulations.

(See Article 1319).

1312.05 Sign Regulations.

(See Article 1320).

1312.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1313

### C-S SHOPPING CENTER DISTRICT

#### 1313.01 Purpose

The purpose of this zoning district is to encourage and ensure the development of modern, well-planned, integrated community shopping centers, in appropriate locations and, on large tract sizes, to provide for a variety of compatible business and related uses including office buildings and apartments. The district regulations require that the district be developed as a group of properly related business and compatible facilities comprising a single architectural scheme with appropriate landscaping, off-street parking, screening and vehicular access. This district shall be developed only in accordance with the provisions relating to site plan review in Article 1321.

#### 1313.02 Use Regulations

A building or group of buildings may be erected or used, and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", the conditional approval regulations as stated in Articles 1321 and 1322, and other applicable provisions of this and other City Ordinances.

(a) The following uses are permitted following City Planning Commission approval:

- (1) [Retail and service use, including Shopping Centers.](#)
- (2) Bank, Saving and Loan Association.
- (3) Office, agency or studio.
- (4) Restaurant and drive-in restaurant.
- (5) Community center, library and child day care center.
- (6) Theater, meeting hall and recreation establishment.
- (7) Service stations.
- (8) Kennel, pet shop and veterinary establishment.
- (9) Car wash.
- (10) Motor vehicle sales and service agency.
- (11) Electric substation and utility lines.
- (12) Business, trade, or dance school or similar use.

[Section 1313.02(a)(12) was amended by Ordinance No. 4266 on August 4, 2004]

[Section 1313.02(a)(1) was amended by Ordinance No. 4393 on October 6, 2006]

- (13) Hotel and motel are also permitted when they are located within a total Shopping Center District not less than ten (10) acres in size and not separated by a street, provided that said uses are clearly designed to constitute a logical and harmonious element of the overall plan for the district. All permitted uses and overall development of the tract shall be approved in accordance with the provisions of Article 1321, site plan review.

Hotels shall be permitted an increased maximum height totaling four (4) stories and sixty-five (65) feet provided that the building is at least seventy-five (75) feet from a public street and at least five hundred (500) feet from the nearest residential lot line.

Otherwise, the permitted maximum height for a hotel is four (4) stories and forty-five (45) feet. In either case, the first ten (10) feet within the setback abutting said public street or residential property shall be planted with grass seed, ground cover, or other approved planting material.

[Section 1313.02(a)(13) was amended by Ordinance No. 4266 on August 4, 2004]

- (14) Commercial Communication Towers and Antennas.  
[See Section 13.18.28A]
- (15) B.Y.O.B. [added by Ordinance #3958, July 1999].
- (16) Multiple family dwellings designed as a single architectural project or unit, shall constitute a logical permitted transitional use only in locations where residential zoning districts exist adjacent to the Shopping Center district boundary, and provided that the area devoted to apartments shall in no case be greater than ten (10) percent of the total area of the Shopping Center district in which it is located.

[Section 1313.02(a)(16) was added by Ordinance No. 4266 on August 4, 2004]

- (b) Accessory uses customarily with and incidental to any aforesaid use in this Article may be permitted by the City Planning Commission unless otherwise excluded by these regulations.
- (c) The following uses may be permitted when authorized as a special exception by the Zoning Hearing Board:
  - (1) Pawn Shop in compliance with Section 1318.35.
  - (2) Check Cashing Business in compliance with Section 1318.34.

[Section 1313.02(c) was added by Ordinance No. 4393 on October 6, 2006]

1313.03 Area, Yard, and Building Regulations

(See Article 1318).

1313.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1313.05 Sign Regulations

(See Article 1320)

1313.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1313A

### C-R COMMERCIAL RECREATION DISTRICT

#### 1313A.01 Purpose

The purpose of this zoning district is to designate those areas in the City where commercial recreation facilities are appropriate and to insure that these facilities are properly designed, landscaped, screened, and maintained so that adjacent properties will be properly protected against any possible noise, light, parking, or other excessive intrusion caused by the Commercial Recreation development.

#### 1313A.02 Use Regulations

A building or group of buildings may be erected or used, and a lot may be used or occupied for any of the following purposes, and not other, subject to the applicable provisions of Article 1318 "General Regulations", and conditional approval regulations as stated in Article 1321 and 1322, and other applicable provisions of this and other City Ordinances.

- (a) The following uses may be permitted at the discretion of the City Planning Commission following review of the site plan and a description of all uses contemplated for a C-R development:
- (1) Playgrounds, including apparatus for: swings, slides, seesaws and various climbing structures.
  - (2) Play fields.
  - (3) Court games such as: tennis, basketball, handball, etc.
  - (4) Gymnasium, bowling alley, swimming pool, roller rink, and pool hall.
  - (5) Skating rink.
  - (6) Archery range.
  - (7) Indoor stadium or auditorium.
  - (8) Outdoor stadium.
  - (9) Miniature golf course.  
Golf driving range.
  - (10) Steam bath and massage parlor.
  - (11) Dance hall.
  - (12) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]
- (b) The following accessory uses may be permitted at the discretion of the City Planning Commission provided they are clearly

incidental to the overall C-R development:

- (1) Pro shop - Restricted to sale or rental of sports equipment pertinent to the proposed permitted uses in the C-R development.
- (2) Bar.
- (3) Restaurant.

1313A.03 Area, Yard and Building Regulations

(See Article 1318).

1313A.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1313A.05 Sign Regulations

(See Article 1320).



## ARTICLE 1314

### C-M OFFICE RESEARCH CENTER DISTRICT

#### 1314.01 Purpose

The purpose of this zoning district is to provide for large-scale integrally planned and designed office facilities, research and similar uses including testing and experimental laboratories and their necessary accessory facilities.

#### 1314.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
- (1) Laboratory and appurtenant structures.
  - (2) Building for lecture rooms and offices in connection therewith.
  - (3) Library.
  - (4) Structure erected for experimental or testing purposes.
  - (5) Pilot plant and appurtenant structures.
  - (6) Warehouse and storage facilities appurtenant to the foregoing.
  - (7) Garage for movable equipment, trucks and cars operated in connection with the foregoing.
  - (8) Living quarters for personnel and their families.
  - (9) Catering, cafeteria and restaurant equipment and facilities.
  - (10) Experimental agricultural operation and the buildings necessary therefor.
  - (11) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]
- (b) The following uses and their customary accessory use may be permitted following a review and recommendation by the City Planning Commission in accord with the provisions of Article 1322:
- (1) Planned office development.

[Section 1314.02(b)(1) was amended by Ordinance No. 4374 on March 7, 2006.]

- (c) None of the permitted uses for this district require approval by special exception from the Zoning Hearing Board.
- (d) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.

1314.03 Area, Yard and Building Regulations

(See Article 1318).

1314.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1314.05 Sign Regulations

(See Article 1320).

1314.06 Site Plan Review Requirements

(See Article 1321).

1314A CM – LTN LANDMARK CONSERVATION AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT

1314A.01 Purposes and Boundary.

- (a) In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this Overlay District is intended to promote redevelopment of areas of the City that are currently underutilized, only partially developed and where buildings are in need of major rehabilitation. This Overlay District promotes appropriate types of mixed uses; however the uses are predominantly residential in nature. This Overlay District recognizes an area of Bethlehem that is uniquely situated compared to other areas of the City, and allows future development and adaptive reuses consistent with such uniqueness. This Overlay District promotes the retention and reuse of a major landmark building for the Lehigh Valley, consistent with the mandate of the Pennsylvania Municipalities Planning Code that zoning ordinances shall be used to preserve historic buildings. This landmark building is Martin Tower, which is the tallest building in Lehigh and Northampton Counties and was the international headquarters of the second largest steel company in the nation. This Overlay District promotes a mix of land uses that is conditioned upon the reuse of this landmark building, which is worthy of preservation. This Overlay District creates a system of incentives by allowing additional types of uses, in order to promote the reuse of this landmark building. This Overlay District recognizes that, because of renovation costs, this landmark building is endangered with demolition if appropriate redevelopment is not allowed on the tract.
- (b) This Overlay District also recognizes that this area of Bethlehem is unique in terms of its size (over 50 acres in one lot) and its proximity to ramps of a limited access expressway (PA. Route 378). This Overlay District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical

site, the Burnside Plantation.

- (c) This Overlay District also is intended to carry out the Traditional Neighborhood Development (TND) Provisions of the State Municipalities Planning Code. Those provisions require that an overlay district be used for a new TND. The purposes for traditional neighborhood development as provided in the State Municipalities Planning Code are hereby included by reference. It is recognized that a TND can only function properly on a substantially sized tract. This Overlay District is also intended to allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City.
- (d) This Section creates a CM-LTN Overlay District, which shall consist of the following geographic area:

ALL THAT CERTAIN tract, piece or parcel of land situate, lying and being in the Thirteenth (13<sup>th</sup>) Ward of the City of Bethlehem, County of Lehigh, Commonwealth of Pennsylvania, more particularly bounded and described as follows to wit:

BEGINNING at a point, said point being the intersection of the centerline of Eighth Avenue, also know as S.R. 1011, a street seventy (70) feet wide with the centerline of Eaton Avenue, a street seventy (70) feet wide at this location, thence partly along the centerline of Eaton Avenue and partly along the centerline of Schoenersville Road, the following seven (7) courses and distances: (1) South eighty-five degrees twenty-eight minutes East (S 85° 28' 00" E) four hundred ninety-nine and fifteen one-hundredths (499.15) feet to a point, (2) southeastwardly by a curve to the right the radius which is four thousand four hundred ninety-three and five one-hundredths (4,493.05) feet an arc distance of one hundred ninety-nine and ninety-seven one-hundredths (199.97) feet to a point, (3) South eighty-two degrees fifty-five seconds East (S 82° 55' 00" E) one hundred seventy and eighty-five one-hundredths (170.85) feet to a point, (4) southeastwardly by a curve to the right the radius which is eight hundred thirty-three and forty-six one hundredths (833.46) feet an arc distance of two hundred thirty-three and five one-hundredths (233.05) feet to a point, (5) South sixty-seven degrees one minute thirty-five seconds East (S 67° 01' 35" E) a distance of two hundred fifteen and two one-hundredths (215.02) feet to a point, (6) South sixty-eight degrees ten minutes forty-two seconds East (S 68° 10' 42" E) a distance of four hundred forty and fifty-three one-hundredths (440.53) feet to a point, (7) South seventy-one degrees thirty-five minutes forty-two seconds East (S 71° 35' 42" E) a distance of two hundred forty-seven and twenty-one one-hundredths (247.21) feet to a point, said point being the intersection of the centerline of Schoenersville Road with the northwestern most property line of lands now or formerly County of Lehigh extended northwardly, thence along lands now or formerly County of Lehigh the following twelve (12) courses and distance: (1) South eight degrees nineteen minutes fifty seconds West (S 8°19' 50" W) two hundred twenty-two and forty-nine one-hundredths (222.49) feet to a point, (2) South twenty-one degrees twenty-nine minutes thirty seconds West (S 21° 29' 30" W), a distance of sixty-four and thirty-eight one-hundredths (64.38) feet to a point, (3) South thirty-six degrees thirty-one minutes thirty seconds West (S 36° 31' 30" W) a distance of one hundred nine and ninety-three one-hundredths (109.93) feet to a point, (4) South fifty-three degrees forty-six minutes thirty seconds West (S 53° 46' 30" W) a distance of fifty-three and fifty-six one-hundredths (53.56) feet to a point, (5) South sixty-eight degrees thirty-four minutes thirty seconds West (S 68° 34' 30" W) one hundred fifty-four and ten one-hundredths (154.10) feet to a point, (6) North seventy-six degrees forty minutes

thirty seconds West (N 76° 40' 30" W) a distance of one hundred fifty-three and fifty-eight one-hundredths (153.58) feet to a point, (7) South fourteen degrees fifty-six minutes forty seconds West (S 14° 56' 40" W) a distance of four hundred seventy-eight and ninety-five one-hundredths (478.95) feet to a point, (8) South sixty-four degrees eight minutes fifty-six seconds East (S 64° 08' 56" E) a distance of two and forty-seven one-hundredths (2.47) feet to a point, (9) South ten degrees fifty-three minutes thirty-nine seconds East (S 10° 53' 39" E) a distance of one hundred forty and twenty-six one-hundredths (140.26) feet to a point, (10) South twenty-six degrees twenty-five minutes three seconds East (S 26° 25' 03" E) a distance of ninety-seven and eighty-seven one-hundredths (97.87) feet to a point, (11) South forty-five degrees fifty-five minutes twenty-six seconds East (S 45° 55' 26" E) a distance of one hundred fifteen and one one-hundredths (115.01) feet to a point, (12) South fourteen degrees forty minutes twenty-six seconds East (S 14° 40' 26" E) a distance of one hundred (100.00) feet to a point, said point being on the northerly line of land now or formerly Lehigh and New England Railway Company, thence along land now or formerly Lehigh and New England Railway Company the following thirteen (13) courses and distances: (1) southwestwardly by a curve to the right the radius which is five hundred thirty and sixty-nine one-hundredths (530.69) feet an arc distance of five hundred thirty-five and ninety-five one-hundredths (535.95) feet, (2) northwestwardly by a curve to the right the radius which is five hundred thirty and sixty-nine one-hundredths (530.69) feet an arc distance of two hundred forty and eight one-hundredths (240.08) feet to a point, (3) North forty-two degrees fifty-eight minutes twenty seconds West (N 42° 58' 20" W) a distance of twenty-one and eleven one-hundredths (21.11) feet to a point, (4) northwestwardly by a curve to the left the radius which is six hundred sixteen and sixty-nine one-hundredths (616.69) feet an arc distance of sixty-five and eight-one one-hundredths (65.81) feet to a point, (5) North forty degrees fifty-four minutes forty-one seconds East (N 40° 54' 41" E) a distance of forty-seven (47.00) feet to a point, (6) northwestwardly by a curve to the left the radius which is six hundred sixty-three and sixty-nine one-hundredths (663.69) feet an arc distance of four hundred five and thirteen one-hundredths (405.13) feet to a point, (7) North eighty-four degrees three minutes forty-eight seconds West (N 84° 03' 48" W) a distance of one hundred fifty and thirty-three one-hundredths (150.33) feet to a point, (8) South five degrees fifty-six minutes twelve seconds West (S 5° 56' 12" W) a distance of ten (10.00) feet to a point, (9) North eighty-four degrees three minutes forty-eight seconds West (N 84° 03' 48" W) a distance of two hundred (200.00) feet to a point, (10) South five degrees fifty-six minutes twelve seconds West (S 5° 56' 12" W) a distance of ten (10.00) feet to a point, (11) North eighty-four degrees three minutes forty-eight seconds West (N 84° 03' 48" W) a distance of fifty (50.00) feet to a point, (12) South sixty-nine degrees forty-seven minutes fifty-six seconds West (S 69° 47' 56" W) a distance of thirty-four and twenty-seven one-hundredths (34.27) feet to a point, (13) northwestwardly by a curve to the left the radius which is one thousand ten and thirty-seven one-hundredths (1,010.37) feet an arc distance of two and five one-hundredths (2.05) feet to a point, said point being on the easterly right-of-way line of Eighth Avenue, thence North eighty-seven degrees forty-three minutes West (N 87° 43' W) a distance of thirty-five (35.00) feet to a point, said point being on the centerline of Eighth Avenue, thence along the centerline of Eighth Avenue North two degrees seventeen minutes East (N 2° 17' 00" E) a distance of one thousand four hundred nineteen and ninety-eight one-hundredths (1,419.98) feet to a point, said point being the place of beginning.

BOUNDED on the North by lands now or formerly 1<sup>st</sup> Valley Bank, Todd S. Hauser, Michael A. Petrillo, David & Martha Gracia, Martha Gracia, Spencer Owen Smith,

Candice Smith, City of Bethlehem, on the East by lands now or formerly County of Lehigh, on the South by lands now or formerly Pennsylvania Lines L.L.C. and on the West by lands now or formerly Tiger Den Partners, D. B., L.L.C. and Eighth & Eaton Development, L. P.

1314A.02 Applicability and Demolition Restriction.

- (a) The provisions of this CM-LTN Overlay District shall only be available to be utilized if both of the following conditions are met:
  - (1) if there is a minimum tract size of 50 acres in common ownership or common equitable ownership at the time of preliminary subdivision or land development submittal, and
  - (2) if new development is in combination with the retention, rehabilitation and reuse of the existing 21 story Martin Tower Building.
- (b) If the existing 21 story Martin Tower Building is demolished, the provisions of this CM-LTN Overlay District shall no longer be available, and the land shall be limited to the development allowed by the underlying CM District regulations. This CM-LTN Overlay District shall not regulate the demolition of any buildings or structures other than the 21 story Martin Tower building.

1314A.03 Use Regulations.

Within the CM-LTN Overlay District, land and/or structures may be used for any permitted by right use allowed under Section 1314.02, Use Regulations of the CM District. In addition to or in conjunction with uses allowed under Section 1314.02, land and/or structures in the CM-LTN Overlay District may be used for any of the following permitted by right uses, subject to compliance with this Section 1314A, the applicable provisions of Article 1318 "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
  - (1) Two Family Detached Dwelling.
  - (2) Two Family Semi-Detached Dwelling.
  - (3) Multi-Family Dwelling, provided that the provisions of Section 1322 shall not apply to Multi-Family Dwellings in the CM-LTN Overlay District.
  - (4) Single Family Attached Dwelling, or two Single Family Attached Dwellings stacked one above the other.
  - (5) Hotel/Motel, which may include an accessory conference center and restaurant.
  - (6) Retail sales, branch post office, financial institution, restaurants or personal service use, provided that drive-through services shall only be allowed for a financial institution or pharmacy, and provided that the total building floor area of all such uses on the tract in buildings constructed after the enactment of this Overlay District shall not exceed 50,000 square feet. The amount of such commercial uses within a building that existed prior to the enactment of this Overlay District is not bound by the 50,000 square feet limitation.
  - (7) Fitness or exercise facility, indoor or outdoor swimming pool, or community room/community center.

- (8) Offices
- (9) Indoor or outdoor recreation facilities planned primarily for use by occupants and employees of the tract, with only incidental use by the general public.
- (10) Public park or public recreation facility or non-commercial outdoor recreation areas.
- (11) Public utility installation
- (12) Day Care Center separate from a dwelling unit.
- (13) Public or private surface and/or structured parking lots or decks
- (14) "No-Impact Home Occupations", as defined by the Pennsylvania Municipalities Planning Code
- (15) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted uses unless otherwise excluded by these regulations

(b) None of the permitted uses for this district require approval by special exception from the Zoning Hearing Board

1314A.04 Area, Yard and Building Regulations

(a) The following Area, Yard and Building Regulations shall apply for all residential uses; however, these regulations in subsection (a) shall not apply to a change of use of a building that existed on the tract prior to the enactment of this Overlay District:

(1) Maximum Density	18 Dwelling Units/Acre*
(2) Minimum Lot Area	1.5 Acres****
(3) Minimum Lot Width	20****
(4) Minimum Building Setback from the Perimeter of the Tract and from Rights-of-Way of Public Streets	50 Feet
(5) Minimum Front Yard Setback	5 Feet**
(6) Minimum Rear Yard Setback	20 Feet**
(7) Minimum Side Yard Setback	5 Feet (Each)**, except that a 20 feet minimum separation shall be required for a building that includes 4 or more dwelling units from any other building.
(8) Maximum Building Height (Stories)	4 habitable stories. ** In addition, a building may have a maximum of one above-ground parking level. If a separate parking structure is built, it shall have a maximum of 4 above- ground levels.
(9) Maximum Building Height (Feet)	60 Feet
(10) Maximum Building Coverage	60%***
(11) Buffer Yard Required	No
(12) Site Plan Review by City Planning Commission	Yes

\* The Maximum Density applicable to all residential uses shall be based upon the gross acreage of the tract, without any deletions other than for rights-of-way of existing or proposed public streets.

\*\* A building may exceed 4 habitable stories if the following additional requirement is met: for each foot of building height over 50 feet, two additional feet of building setback shall be required from all lot lines and all public street rights-of-way. However, in no case shall a new building exceed a total height of more than 120 feet or 12 stories, whichever is more restrictive. An unenclosed front or side porch or stoop or steps or handicapped ramp or roof overhang or bay window may intrude up to 5 feet into the minimum front or side yards. An unenclosed deck may extend up to 10 feet into the rear yard. A rear garage shall be setback a minimum of 8 feet from the travel lanes of a rear alley, provided that a 300 square feet open rear or side yard area or unenclosed deck is available for each adjacent dwelling unit.

\*\*\* The maximum Building Coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract.

\*\*\*\* Individual dwelling units may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum yard requirements.

(b) The following Area, Yard and Building Regulations shall apply for all non-residential uses, however, these regulations in subsection (b) shall not apply to a change of use of a building that existed on the tract prior to the enactment of this Overlay District:

(1) Minimum Lot Size	1.5 Acres ***
(2) Minimum Lot Width	30 Feet ***
(3) Minimum Building Setback from the Perimeter of the Tract and from Rights-of-Way of Public Streets	50 Feet
(4) Front Yard Setback	5 Feet***
(5) Minimum Rear Yard Setback	20 Feet***
(6) Minimum Side Yard Setback	5 Feet (Each)***
(7) Maximum Building Height (Feet)	4 habitable stories **. In addition, a building may have a maximum of one above-ground parking level. If a separate parking structure is built, it shall have a maximum of 4 above-ground levels.
(8) Maximum Building Coverage	60%*
(9) Buffer Yard Required	Yes
(10) Site Plan Review by City Planning Commission	Yes

\* The maximum Building Coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract.

\*\* A building may exceed 4 habitable stories if the following additional requirement is met: for each foot of building height over 50 feet, two

additional feet of building setback shall be required from all lot lines and all public street rights-of-way. However, in no case shall a new building exceed a total height of more than 120 feet or 12 stories, whichever is more restrictive.

\*\*\* Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum yard requirements. An unenclosed front or side porch or roof overhang or stoop or steps or handicapped ramp or awning or bay window or pedestrian arcade may intrude up to 5 feet into the minimum front or side yards.

(c) A minimum of 10 percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or planted with new trees and shrubs or improved for outdoor recreation facilities. At least one recreation trail shall be provided to connect dwellings to two points along the perimeter of the tract. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Bethlehem, which prohibits the construction of buildings upon and the further subdivision of the required open land. Areas used for buildings or vehicle parking shall not count towards the open land requirement.

(1) Unless another form of ownership is approved by the City of Bethlehem as part of a final subdivision and land development plan, such open land shall be owned and maintained by a legally binding association of property-owners on the tract. The form of the property-owners legal documents shall be subject to acceptance by the City Solicitor. If there is mutual written agreement between the applicant and the City Council, part or all of the open land may be maintained as a public park.

(d) A minimum 100 feet setback shall apply between any new principal building and the lot line of any public park that existed prior to the adoption of the CM-LTN District, unless a larger setback is required by another section of this Ordinance. This 100 feet setback shall be reduced to a minimum of 75 feet if the building has a maximum of 4 habitable stories and if the building is separated by the public park by a row of primarily evergreen trees with an initial height of 5 feet, in addition to preservation of existing healthy mature trees within such setback.

#### 1314A.05 Overall Master Plan, Phasing and Deed Restrictions.

(a) Prior to the development of any new building under the CM-LTN provisions, the applicant shall submit an Overall Master Plan for the tract. The Overall Master Plan shall show the approximate locations, heights and uses of all buildings, as well as the approximate locations of proposed parking, streets, and open land. The Master Plan may include a range of allowed uses, as opposed to identifying each specific use. The Overall Master Plan shall be made available for review for a minimum of 30 days by the City Planning Commission, Planning and Zoning Bureau and the City Engineer.

(b) As each phase of development is approved the applicant shall provide evidence that the requirements of this CM-LTN Overlay District will be met, even if later phases of development would not be completed. This shall include, but not be



limited to, providing evidence of compliance with the density, maximum commercial floor area and open land requirements. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided.

- (c) To carry out the intent of Traditional Neighborhood Development, prior to receiving preliminary subdivision or land development approval, the applicant shall submit a set of preliminary proposed architectural sketches and architectural deed restrictions to the Planning and Zoning Bureau and the City Planning Commission for review and comment. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a legally binding set of architectural deed restrictions as a condition of any final subdivision or land development approval, prior to the recording of such plan.

#### 1314A.06 Street and Alley Requirements.

As authorized under the Traditional Neighborhood Development provisions of the State Municipalities Planning Code, the following alternative is specifically allowed to the requirements of the City Subdivision and Land Development Ordinance for development within the CM-LTN Overlay District:

- (a) The following street right-of-way and cartway widths shall be allowed for new streets that are not dedicated to the City or the State, in addition to options that are allowed under the Subdivision and Land Development Ordinance:
  - (1) A street fronting upon commercial development with two-way traffic may be constructed with two travel lanes of 12 feet each, diagonal parking lanes of 18 feet each or 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width, and a right-of-way width that extends a minimum of 9 feet on either side of the curblineline.
  - (2) A street with two-way traffic that does not front upon commercial development may be constructed with two travel lanes of 10 feet each and 8 feet wide parallel parking, a 4.5 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 4.5 feet and a minimum right-of-way width that extends a minimum of 9 feet on either side of the curblineline.
  - (3) An alley serving two-way traffic may be constructed with a 16 feet wide travelway and an 8 feet minimum setback between the travel lane and any rear garage.
- (b) Any street within the CM-LTN Overlay District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.
- (c) Pedestrian sidewalks with a minimum width of 4.5 feet and street trees meeting requirements of the City shall be required on each side of every street. A minimum average of one street tree shall be required for each 40 or 50 feet of street length, depending on the size of the trees, unless existing trees will be preserved to serve

the same purpose.

1314A.07 Off-Street Parking and Loading Regulations

(a) Article 1319 shall apply, except as follows:

- (1) If new parking spaces are constructed upon a new street that is not dedicated to the State or the City, then on-street parking spaces along such street may be used to meet up to 25 percent of the required off-street parking requirements for uses that are within 300 feet of such parking spaces. Off-street parking spaces are not required to be on the same lot as the use that is served by the parking provided that: a) the parking is located within 300 feet of the use that is served by the parking, and b) the applicant proves to the satisfaction of the City Solicitor that there will be sufficient legal mechanisms in place to ensure that the parking will continue to be available as long as the use is in existence.
- (2) No more than 45 percent of the first floor front facade of any building or dwelling shall be composed of vehicle garage door(s).
- (3) To ensure the availability of visitor parking in the development, an additional (1) one parking space shall be created for every (2) two dwelling units and such spaces shall be available within 400 feet of the units they are intended to serve. These spaces may be on-street or clustered parking spaces.

1314A.08 Sign Regulations

- (a) For portions of the tract developed in non-residential uses, the sign requirements of Section 1320.09 shall apply.
- (b) For portions of the tract developed in residential uses, the sign requirements of Section 1320.08 shall apply.

[Section 1314A was added by Ordinance No. 4374 on March 7, 2006]

"1314.B. CMU – COMMERCIAL MIXED USE DISTRICT

1314.B.01 Purposes and Boundary.

- (a) In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, the CMU District is intended to promote appropriate types of mixed uses, including banks, offices and limited commercial uses. The intent is to only allow types of commercial uses that would be compatible with adjacent dwellings. This District recognizes areas of Bethlehem that are uniquely situated compared to other areas of the City, and allows future development consistent with such uniqueness.
- (b) This District is also intended to provide transitional zoning provisions adjacent to residential areas.
- (c) This Section creates a CMU District, which shall consist of the following geographic area:

ALL THAT CERTAIN tract, piece or parcel of land situate in the City of Bethlehem, County of Lehigh and Commonwealth of Pennsylvania, prepared by Lehigh Engineering Associates, Inc., bounded and described as follows; to wit:

BEGINNING at a point located along the centerline intersection of Eaton Avenue and Eighth Avenue and the lands herein described, thence;

- 1) Along the centerline of Eighth Avenue in a southerly direction +/-940' to a point, thence;
- 2) Along lands now or former of Tiger Den Partners L.L.C. in a westerly direction +/-510' to a point thence;
- 3) Along lands of the following now or former of Kenneth I. & Lynn G. Reber, William J. & Eileen D. Ferry, Helen M. & Joan M. Balik, Vincent G. Zambelli et al., Eugene & Michelle Heaney, David M. & Sharon E. Kuhns, and Damon B. & Linda L. Czipoth in a northerly direction +/-570' to a point thence;
- 4) Along lands now or former of Damon B. & Linda L. Czipoth, in a westerly direction +/-210' to a point thence;
- 5) Along the centerline of Ralston Road in a northerly direction +/-390' to a point, thence;
- 6) Along the centerline of Eaton Avenue in an easterly direction +/-370' to a point, thence;
- 7) Along lands now or former of Easton Avenue Associates in a northerly direction +/-370' to a point thence;
- 8) Along the centerline of Richard Avenue in an easterly direction +/-360' to a point, thence;
- 9) Along the centerline of Eighth Avenue in northerly direction +/-670 to a point, thence;
- 10) Across the right-of-way of Eighth Avenue in a north easterly direction +/-90' to a point, thence;
- 11) Along the centerline of Schoenersville Road in a south easterly direction +/-1450' to a point, thence;
- 12) Along the centerline of Eaton Avenue in a westerly direction +/-940' to the point and place of beginning,  
CONTAINING 28 acres +/-.

1314B.02 Use Regulations

Within the CMU District, land and/or structures shall only be used for the following uses, and shall be subject to compliance with this Section, the applicable provisions of Article 1318 "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
- (1) Offices
  - (2) Employee training facilities
  - (3) Library
  - (4) Commercial Communications Antennas in compliance with Section 1318.28.A are allowed, provided that they are attached to a building and do not exceed more than 15 feet from the building.
  - (5) Public or private surface, structured and/or underground parking lots or

decks

- (6) No Impact Home Occupations, as defined by the Pennsylvania Municipalities Planning Code, within pre-existing dwellings
  - (7) Fitness or exercise facility, indoor or outdoor swimming pool, or community room/community center.
  - (8) Day Care Center
  - (9) Public park or public recreation facility or non-commercial outdoor recreation areas.
  - (10) Public utility installation
  - (11) Financial institution, which may include drive-through service that meets subsection (b)(1)(VI)c below.
  - (12) Accessory uses that are customarily incidental to allowed principal uses.
- (b) The following uses and their customary accessory uses shall be permitted, following a review and recommendation by the City Planning Commission:
- (1) A Planned Office Commercial Development (POCD) shall only be allowed if it meets all of the following requirements:
    - (I) The provisions for a Planned Office Commercial Development shall only be applicable if both of the following conditions are met:
      - [a] there shall be a minimum tract size of 8 acres in common ownership or common equitable ownership at the time of preliminary subdivision or land development submittal, and
      - [b] a minimum of 35 percent of the total floor area of buildings on the tract shall be composed of office uses.
    - (II) The POCD shall make maximum use of interior driveways or private streets, in order to minimize the number of vehicle entrances onto a public street.
    - (III) The POCD shall allow for shared or coordinated parking among various uses.
    - (IV) The POCD shall include a set of deed restrictions or similar legally binding provisions upon all buildings in the POCD. A draft of such restrictions shall be provided to the City Staff and Planning Commission for review at the time of preliminary subdivision or land development submittal. Such restrictions shall be designed to ensure a high quality of exterior building materials, coordination of sign designs, and appropriate exterior lighting fixtures. A consistent and coordinated design shall also be required among buildings on the tract. Such restrictions shall be subject to approval by the City Planning Commission as a condition of subdivision and/or land development approval, and shall be in place prior to or at the time of recording of a final plan.
    - (V) A POCD shall meet all of the other requirements for the CMU District that are not specifically modified by this subsection (b).
    - (VI) A POCD may include any use that is listed as permitted by right in subsection 1314.B.02(a) above in the CMU District, plus the

following additional uses: retail sales, branch post office, restaurant provided that the restaurant building is set back a minimum of 250 feet from an existing dwelling, or personal service use, and provided that:

- [a] the total building floor area occupied by any individual retail establishment shall not exceed 20,000 square feet,
- [b] drive-through services shall only be allowed for:
  - [i] a financial institution or pharmacy/drug store, or
  - [ii] a restaurant specializing in and having a predominant product of hot non-alcoholic beverages and associated foods with a building floor area of less than 2,000 square feet.
  - [iii] Any ordering area for a drive-through facility shall be located a minimum of 250 feet from any principal dwelling. The applicant for a drive-through shall control the volume of any loudspeaker and/or use setbacks or an acoustic barrier so that the loudspeaker cannot be heard from a dwelling. The hours of the drive-through shall be limited to between 6 AM and 10 PM. Any drive-through service shall be designed to have adequate stacking capacity in a manner that does not obstruct traffic onto or through the site. Any drive-through service lane shall have provisions for pedestrian crossings with proper sight distance. The design of the drive-through shall be subject to approval by the City Planning Commission.
- (VII) At least one sidewalk or City-approved pathway shall be provided to connect buildings within the tract and to connect to two points along the perimeter of the tract.
- (VIII) If a building has a length or width greater than 200 feet it shall include architectural features, such as variations in facades, setbacks or rooflines, that make it appear to be two or more connected buildings.
- (IX) Prior to the development of any new building under the POCD provisions, the applicant shall submit an Overall Master Plan (OMP) for the tract. The OMP shall show the approximate locations, heights and uses of all buildings, as well as the approximate locations of proposed parking, streets, and landscaped areas, and the designs of exterior light poles. The OMP may include a range of allowed uses, as opposed to identifying each specific use. If the OMP submittal occurs before a submittal of a subdivision or land development plan, then a minimum of 30 days shall be provided for reviews of the OMP by the City. The OMP shall be made available for review by the City Planning Commission, the City Planning Bureau and the City

Engineer.

- (X) As each phase of development is approved, and prior to any lot receiving subdivision or land development approval, the applicant shall provide evidence that the requirements of this CMU District will be met, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the landscaped area and buffer requirements. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided.
  - (XI) Prior to receiving final subdivision or land development approval, the applicant shall submit a set of preliminary proposed architectural sketches to the City Planning Commission for review and comment. Such drawings or sketches shall be prepared with the involvement of a Registered Architect.
  - (XII) More than one permitted use or building shall be allowed on a lot in a POCD, provided there is compliance with the requirements for each use or building. A building may include two or more allowed uses. Individual uses or buildings may be owned in a condominium arrangement, or handled through pad leases or other ownership or lease arrangements approved under the Subdivision and Land Development Ordinance. A condominium or single owner form of arrangement is allowed, which may include parking and driveways held in common ownership, provided that suitable legal mechanisms are in place to ensure long-term maintenance, which shall be subject to acceptance by the City.
  - (XIII) As part of the creation of any new lot, the applicant shall be required to establish legally binding restrictions to limit vehicle access to public streets in a manner consistent with the approved POCD plan.
- (c) None of the permitted uses for the CMU district require approval by special exception from the Zoning Hearing Board.
  - (d) An "Adult Oriented Establishment," as defined by State law in 68 Pa. C.S.A. § 5501, et seq., shall not be allowed within the CMU District.

1314B.03 Area, Yard and Building Regulations.

- (a) The following Area, Yard and Building Regulations shall apply for all uses within the CMU District, unless more restrictive provisions are established by another section of this Ordinance for a particular use:
  - (1) Minimum Lot Area  
POCD shall 1 Acre, provided that a  
meet the minimum tract size  
requirements\*

not

- (2) Minimum Lot Width measured at the a street right-of-way line. 150 feet, except 250 feet for POCD If an existing lot does meet this requirement, it shall not be allowed to be developed into a new principal commercial use unless it is merged with another lot to meet the 150 feet requirement. This larger lot width requirement shall not apply when one commercial use is changed to a different commercial use.
- (3) Minimum Principal and Accessory Building Setback:
- (I) For a principal non-residential use from the lot line of an existing principal residential use or a residential zoning district boundary 100 feet \*\*\*\*
- (II) For any building from the right-of-way of a public street 15 feet from any other lot line or street or alley right-of-way line
- (4) Maximum Building Height (Stories) 3 above-ground stories or 45 feet, whichever is more restrictive, except as follows:
- a) an office building shall have a maximum building height of 6 above ground stories or 80 feet, whichever is more restrictive, provided that any part of the building that exceeds 45 feet in height shall be located a minimum of 200 feet from a lot line of an existing dwelling; and/or
- b) portions of a peaked roof that are not occupied by persons may exceed 45 feet for the purposes of architectural design and/or to screen mechanical equipment.
- (5) Maximum Building Coverage 40%\*\*\*

- |     |  |       |
|-----|--|-------|
| (6) | Minimum Percentage of a Lot which shall be improved and maintained as Landscaped Area and be planted in trees and shrubs and associated vegetated ground cover | 10%** |
| (6) | Buffer Yard Required   | Yes   |
| (7) | Land Development Plan Review by City Planning Commission   | Yes   |
| (8) | Landscaping Plan Required  | Yes   |

\* See Section 1314.B.02(b)(1)(XII) above regarding lots and uses.

\*\* The minimum Landscaped Area may be based upon the entire tract, as opposed to each lot within a development tract. Buffer yards may count towards this requirement.

\*\*\* The maximum Building Coverage shall be based upon the ground level footprint of all buildings on the overall tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract.

\*\*\*\* This 100 feet setback shall be reduced to 50 feet if the following additional requirements are met:

- a) A majority of healthy mature trees that have a trunk diameter greater than 8 inches that are within 25 feet of a residential zoning district shall be preserved. A plan shall be submitted to ensure that such trees are protected during construction and remain afterwards; and
- b) A landscaped earthen berm shall be provided abutting a residential zoning district along the maximum length that is feasible in the determination of the City and the Planning Commission. This berm shall have an average height of 3 feet or more above the ground level on the residential side and a maximum 3:1 slope on the residential side. The commercial side of the berm may be a retaining wall. A row, staggered to allow room for future growth, of primarily evergreen trees and shrubs shall be placed between the residential lot line and any new or expanded commercial use or parking for a commercial use. The evergreen trees shall have a minimum height when planted of 8 feet. The trees and shrubs shall be designed to provide a complete visual screen at least 6 feet in height within 2 years after planting. Where deciduous trees will not be preserved, then an average of one new deciduous tree shall also be planted for every 40 feet of buffer length. Required deciduous trees shall meet the requirements of Section 1314.B.04(c).



- c) In place of or in addition to the earth berm, the City Planning Commission may also require the installation of a fence or a decorative masonry wall between new non-residential development and existing adjacent dwellings to create a visual barrier. Any such fence shall be constructed of attractive weather resistant materials, such as a vinyl plank fence and shall be reviewed and approved by the City Planning Commission. Any fence or decorative masonry wall shall have a minimum height of 5 feet. The fence shall be placed on the business side of required evergreen plantings.
- (9) Any garbage dumpster for a commercial use or loading area used by tractor-trailer trucks shall be setback a minimum of 70 feet from any residential zoning district. Each garbage dumpster shall be surrounded by a decorative masonry wall and/ or a weather-resistant decorative board fence and gate. Loading or unloading of trucks that occurs within 200 feet of a lot line of an existing dwelling shall not be allowed between the hours of 11 pm. and 6 am.
  - (10) Lighting. New exterior light fixtures that are within the right-of-way or within 50 feet of a public street shall be of a decorative design, such as "acorn" style luminaires, as approved by the City and the Planning Commission. New exterior light fixtures that are within 150 feet of a residential zoning district shall be of a full cutoff design and shall not allow any spillover of light onto the horizontal surface of a lot occupied by a dwelling. No new exterior light pole outside of a street right-of-way shall have a total height greater than 20 feet above the ground.
  - (11) Each lot shall have an internal pedestrian circulation system that uses hard-surface sidewalks or pedestrian pathways that meet ADA requirements. Such pedestrian system shall connect sidewalks along public streets with major destinations within the lot and adjacent lots.
  - (12) The edge of the cartway of any new commercial driveway (not including curb radius) shall be setback a minimum of 150 feet from the nearest edge of cartway (not including curb radius) of any existing street that intersects the same street as the driveway. Such setback shall only apply to intersections entering along the same side of the street.

#### 1314.B.04 Landscaping and Buffer Requirements.

The following requirements shall apply:

- (a) See also the buffer and landscaping provisions in the Subdivision and Land Development Ordinance and note "\*\*\*\*\*" above. A vegetated buffer yard with a minimum width of 20 feet shall be located between any new parking area, commercial driveway or non-residential building and any residentially-zoned lot that is occupied by an existing dwelling.
- (b) A minimum 8 foot wide landscaped planting area shall be located abutting any public street. This planting area may include a combination of land inside and outside of the right-of-way, and areas between the curb and the sidewalk may

count towards this width. This planting area shall include shrubbery and other landscaping that is designed and located to avoid conflicts with safe sight distances at intersections. This planting area may include decorative walls or fences of masonry and/or materials with the appearance of wrought iron with a maximum height of 4 feet, but shall not include any walls or fences greater than 4 feet in height. Any wall or fence shall be on the inside of a row of shrubs, unless otherwise approved by the City.

- (c) Street trees meeting requirements of the City shall be required on each side of every public and private street. A minimum average of one street tree shall be required for each 40 feet of public or private street length, unless existing trees will be preserved to serve the same purpose, or unless the City allows an average of 1 tree of every 50 feet for trees with larger canopies. In addition, a minimum average of one deciduous tree shall be required for every 10 surface parking spaces. Such deciduous trees shall meet the street trees requirements of the Subdivision and Land Development Ordinance. No more than 12 consecutive surface parking spaces shall be located in a straight row without being separated by a landscaped island with a deciduous tree.
  - (l) Required deciduous trees shall have a minimum trunk diameter of 2.5 inches measured 6 inches above the ground, and a minimum 10 feet height above the ground when planted. Each required deciduous tree within a parking lot shall be surrounded by a minimum 5 feet wide by 5 feet long vegetated area. The City may require curbing or other methods to protect trees from damage by vehicles. Only species of trees that are on the City's list of approved street trees shall be used to meet a requirement of this Ordinance for a required deciduous tree.

#### 1314.B.05 Off-Street Parking and Loading Regulations

Article 1319 shall apply. If a lot or tract includes two or more different types of commercial uses (such as offices and retail), the City may approve a 5 percent reduction in the total number of required off-street parking spaces if parking will be shared among the uses and if there is a pedestrian circulation system that encourages persons to walk between the uses.

#### 1314.B.06 Sign Regulations

- (a) For a lot with a principal non-residential use, the sign requirements of Section 1320.09 shall apply, except for the following regulations that shall apply within the CMU District.
  - (1) The maximum height above the ground for a freestanding sign shall be 8 feet, except that freestanding signs for individual buildings and uses shall not be allowed within a Planned Office Commercial Development, except for approved directional signs.
  - (2) No internally illuminated sign shall face directly onto a contiguous abutting residential district.
  - (3) For a Planned Office Commercial Development, in place of Section 1320.09(a)(VII), the following requirement shall apply:

One freestanding sign shall be allowed at each of two vehicle entrances to a Planned Office Commercial Development. Each such entrance sign shall have a maximum total height of 12 feet and a maximum total sign area of 100 square feet and shall not be internally illuminated. If such entrance sign is attached to a decorative masonry wall, then sections of the wall that extend in length beyond the sign area shall not be regulated as part of the sign area, provided the wall is not more than 6 feet in height. Such entrance signs shall not obstruct safe sight distances.

- (b) For a lot that does not have a principal non-residential use, the sign requirements of Section 1320.08 shall apply.

1314.B.07 Site Plan Review Requirements

Article 1321 shall apply."

[Section 1314B was added by Ordinance No. 4391 on September 19, 2006.]

## ARTICLE 1315

### P-I PLANNED INDUSTRIAL DISTRICT

#### 1315.01 Purpose

The purpose of this zoning district is to permit and encourage modern industrial development in a park-like setting. Among other things, the P-I District is established to provide a desirable location for those types of industry which are harmonious with, and do not constitute a hazard or nuisance to surrounding areas. Development standards for the P-I District are set forth to not only help form this harmonious relationship, but to maintain open areas, to encourage architectural harmony, and to create an aesthetically pleasing and functional industrial park.

#### 1315.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318 "General Regulations", Article 1322, and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
- (1) Tilling of the soil and the keeping or raising of livestock or poultry.
  - (2) Research laboratory or similar experimental, testing, or scientific establishment.
  - (3) Headquarters or similar office building, including data processing and record storage, and with offices involving only limited contact with the general public.
  - (4) Publishing, printing, lithographing or similar establishment.
  - (5) Warehouse, wholesale, storage or distribution use.
  - (6) Manufacture, assembly or treatment of articles or merchandise from the following previously prepared materials: Plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather and fur (excluding tanning, curing and dyeing); precious or semi-precious metals or stones, shell, textiles and tobacco.
  - (7) Manufacture of: Ceramic products (using only previously pulverized clay), novelty or small products from previously prepared paper or cardboard (not including bulk processing), jewelry, clocks and watches, medical, drafting, optical and other professional and scientific instruments and equipment, musical instruments, small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning), toys, wood products (excluding planing mills and bulk processing of wood and lumber).

- (8) Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.
- (9) Manufacture and assembly of electrical or electronic devices, home commercial and industrial appliances and instruments, and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electric switches, lamps, washing machines, refrigerators and air conditioners.
- (10) Light metal processes such as: metal machining, finishing, grinding and polishing, metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils), and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, nuts).
- (11) Bottling, packing, or packaging establishment.
- (12) Central heating plant.
- (13) Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
- (14) Dwelling quarters for watchmen and caretakers employed on premises, provided the quarters are located within the main building.
- (15) Personal service, convenience and indoor recreational facilities planned for the use of the employees of the district and only incidentally for the general public, such as branch bank, branch post office, drugstore, restaurant, variety store, barber shop, beauty parlor, offices and bowling alley, if developed as an integrated service center.
- (16) Outdoor recreational facilities for the primary use of employees of the P-I District.
- (17) Public park or public recreation facility.
- (18) Public utility installation.
- (19) Day care center.
- (20) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]

(b) The following uses and their customary accessory uses when authorized by special exception by the Zoning Hearing Board may be permitted in accord with Article 1325:

- (1) An industrial use of the same general character as the uses

permitted, or an industrial use normally considered to create nuisances provided that the application for special exception shall include evidence satisfactory to the Zoning Hearing Board that the use will be conducted without creating nuisance conditions beyond the limits of its lot by reason of the emission of smoke, dust, odor, or other air pollutants, noise, vibration, light, electrical disturbance, or water pollutants. Such evidence may include the proposed use of proven special structural or technological innovations. In no case, however, shall any of the following uses or any uses substantially similar thereto be permitted: Abattoir, incineration or reduction of garbage (except by city government agencies); leather processing, the manufacture of asphalt, cement, explosives, ferrous and non-ferrous metal or wood smelting or reduction, oil cloth, paint, paper, soap, cinder block and petroleum refining storage or distribution.

- (c) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.

1315.03 Area, Yard and Building Regulations

(See Article 1318).

1315.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1315.05 Sign Regulations

(See Article 1320).

1315.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1316

### L-I LIGHT INDUSTRIAL DISTRICT

#### 1316.01 Purpose

The purpose of this zoning district is to permit and encourage modern light industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the City and to contribute to the soundness of the economic base of the City.

#### 1316.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

- (a) The following uses are permitted by right:
- (1) Tilling of the soil and the keeping or raising of livestock or poultry.
  - (2) Research laboratory or similar experimental, testing, or scientific establishment.
  - (3) Headquarters or similar office building, including data processing and record storage, and with offices involving only limited contact with the general public.
  - (4) Publishing, printing, lithographing or similar establishment.
  - (5) Warehouse, wholesale, storage or distribution use.
  - (6) Manufacture, assembly or treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather and fur (excluding tanning, curing and dyeing); precious or semi-precious metals or stones, shell, textiles and tobacco.
  - (7) Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks and watches, medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning); toys; wood products (excluding planing mills and bulk processing of wood and lumber).
  - (8) Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.

- (9) Manufacture and assembly of electrical or electronic devices; home, commercial and industrial appliances and instruments, and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electric switches, lamps, washing machines, refrigerators and air conditioners.
- (10) Processing and combining of food products (except meat and fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, preserving or curing meats, manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
- (11) Light metal processes, such as: metal machining, finishing, grinding, and polishing, metal stamping and extrusion of small products, (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware, (such as hand tools, bolts, nuts).
- (12) Bottling, packing or packaging establishment.
- (13) Central heating plant.
- (14) Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
- (15) Dwelling quarters for watchmen and caretakers employed on the premises, provided the quarters are located within the main building.
- (16) Personal service, convenience and indoor recreational facilities planned for the use of the employees of the district, and only incidentally for the general public, such as branch bank, branch post office, drugstore, restaurant, variety store, barber shop, beauty parlor, offices and bowling alley, if developed as an integrated service center.
- (17) Outdoor recreational facilities for the primary use of employees of the L-I District.
- (18) Public park or public recreation facility.
- (19) Public or private utility installation.

[Section 1316.02(a)(19) was amended by Ordinance No. 4190 on May 21, 2003]

- (20) Repair garage.
- (21) Service station.
- (22) Motor vehicle sales and service agency.



- (23) Municipal uses such as, but not limited to, municipal buildings, municipal garages, municipal storage areas, fire stations, and police stations.
- (24) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]
- (25) Visitor Center, provided the primary facility use shall be a manufacturing or industrial use permitted by right in the L-I zone with a floor area greater than 400,000 square feet and provided the proposed visitor center may not exceed 15 percent of the total floor area of the primary facility.

[Section 1316.02(a)(25) was amended by Ordinance No. 4312 on March 01, 2005]

- (b) None of the permitted uses for this district are required to have conditional approval.
- (c) The following uses and their customary accessory uses, when authorized by special exception by the Zoning Hearing Board, may be permitted in accord with Article 1325:
  - (1) An industrial use of the same general character as the uses permitted, or an industrial use normally considered to create nuisances provided that the application for special exception shall include evidence satisfactory to the Zoning Hearing Board that the use will be conducted without creating nuisance conditions beyond the limits of its lot by reason of the emission of smoke, dust, odor, and other air pollutants, noise, vibration, light, electrical disturbance, or water pollutants. Such evidence may include the proposed use of proven special structural or technological innovations. In no case, however, shall any of the following uses or any uses substantially similar thereto be permitted: abattoir, incineration or reduction of garbage (except by City government agencies); leather processing; the manufacture of asphalt, cement, explosives, ferrous and non-ferrous metal or wood smelting or reduction; oilcloth, paint, paper, soap; cinder block and petroleum refining, storage or distribution.
- (d) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.

1316.03 Area, Yard and Building Regulations

(See Article 1318).

1316.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1316.05 Sign Regulations

(See Article 1320).

1316.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1317

### H-I HEAVY INDUSTRIAL DISTRICT

#### 1317.01 Purpose

The purpose of this zoning district is to provide suitable areas for the use of heavy industry and related uses with controls which will insure sound industrial land development.

#### 1317.02 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other, subject to the applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other City Ordinances.

(a) The following uses are permitted by right:

- (1) Any use permitted in L-I Light Industrial District.
- (2) Municipal incineration facilities.
- (3) Manufacture of asphalt, cement, ferrous and non-ferrous metal or wood smelting or reduction, paint, cinder block and petroleum refining storage or distribution.
- (4) Open space, junk and/or scrap, provided this use is enclosed within an opaque fence or dense planting which shall be a minimum of six (6) feet in height. Provided further that said use shall be no less than fifty (50) feet from any street line and surrounded by a minimum fifteen (15) foot buffer yard which shall be placed with evergreen trees or other suitable planting which shall completely screen the use from outside view.
- (5) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]
- (6) Railroads, railyards and intermodal rail/truck facilities
- (7) Lumber yard/outdoor storage

[Section 1317.02(a)(6) and 1317.02(a)(7) were added by Ordinance No. 4344 on October 18, 2005]

- (b) None of the permitted uses for this district are required to have conditional approval.
- (c) The following uses and their customary accessory uses when authorized by special exception by the Zoning Hearing Board may be permitted in accord with Article 1325.

- (1) An industrial use of the same general character as the uses permitted. For any industrial use applying for an application, evidence shall be shown to indicate compliance with the performance standards listed in Section 1318.22. In no case, however, shall any of the following uses or any uses substantially similar thereto be permitted: abattoir, manufacture of animal fertilizer, manufacture of gunpowder, fireworks or other explosives, manufacture of plastic pyroxylin, or of articles made therefrom or stockyards.
- (2) Adult-Oriented Establishment or Massage Parlor, which shall meet the additional requirements for such uses in Section 1325.08.m.

[Section 1317.02(c)(2) was added by Ordinance No. 4393 on October 6, 2006]

- (d) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.

1317.03 Area, Yard, and Building Regulations

(See Article 1318).

1317.04 Off-Street Parking and Loading Regulations

(See Article 1319).

1317.05 Sign Regulations

(See Article 1320).

1317.06 Site Plan Review Requirements

(See Article 1321).

## ARTICLE 1317A

### I-R INDUSTRIAL REDEVELOPMENT DISTRICT

#### 1317A.01 Purpose

The purpose of this district is to promote the economic revitalization of underutilized heavy industrial properties. In order to accomplish this purpose a variety of land uses will be permitted within this district and flexible design standards will be applied during the site plan approval process.

#### 1317A.02 Special Requirements

- (a) The property owner shall submit the following to the City Planning Commission for approval:
  - (1) A boundary plan of the property owned by the applicant; and,
  - (2) A report describing:
    - (i) The existing general site conditions for the property of the IR District including:
      - (a) Existing public easements, public rights of way, and major waterways;
      - (b) Existing public utilities including storm drains, sanitary sewers, and water lines; and
      - (c) Existing topography, major building locations, soil and subsoil conditions, location and character of surface water, and areas subject to flooding (100 year floodplains), steep slopes, wooded areas, and recorded historical and archeological sites.
    - (ii) The general character of the proposed development including:
      - (a) Goals and objectives for development;
      - (b) Potential future uses;
      - (c) Anticipated demand on existing utilities including storm drains, stormwater management, sanitary sewer, and water lines; and,
      - (d) Potential site access points.

1317A.03 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, and no other subject to applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other city ordinances.

- (a) The following uses are permitted by right:
- (1) Commercial recreation facilities and sports facilities.
  - (2) Public or parochial school, college, seminary, or similar non-profit educational institution.
  - (3) Hospital, medical or health center or similar health facility.
  - (4) Hotel, motel lodge, and motel.
  - (5) [Retail and service use, including Shopping Centers.](#)
  - (6) Banks, brokerage firm, insurance agency, and other financial institutions.
  - (7) Business or professional offices.
  - (8) Theater, auditorium, museum, library, and other civic and cultural facility including an amusement and recreational facility.
  - (9) Any facility whose purpose is dedicated to historic preservation.
  - (10) Restaurant for the sale and consumption of food and beverage.
  - (11) Bar.
  - (12) Visitor Center.
  - (13) Radio and television broadcasting, studio and transmission towers.
  - (14) Printing, newspaper publishing and bookbinding.
  - (15) City Government uses.
  - (16) Meeting and banquet halls, conference and convention centers.
  - (17) Office and studio.
  - (18) Passenger terminal facility including taxi stand, bus and rail passenger station, and shelter.
  - (19) Laboratory, research, testing, and experimental use not involving danger of fire or explosion or any offensive noise, vibration, smoke, dust, glare, heat, or other objectionable influence.

- (20) Photographic developing and printing establishment.
- (21) Parking lots and structures.
- (22) Barber and beauty shops.
- (23) Tailor.
- (24) Florists.
- (25) Hardware store.
- (26) Food store.
- (27) Magazine store.
- (28) Candy store.
- (29) Bakery store.
- (30) Doctor's office.
- (31) Dentist's office.
- (32) Warehousing.
- (33) Manufacture, assembly or treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur (excluding tanning, curing, and dyeing); precious or semi-precious metals or stones, shell, textiles and tobacco.
- (34) Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks and watches, medical, drafting, optical and other professional and scientific instruments and equipment, musical instruments, small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning); toys, wood products (excluding planing mills and bulk processing of wood and lumber).
- (35) Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes, and pharmaceutical.
- (36) Manufacture and assembly of electrical or electronic devices; home, commercial and industrial appliances and instruments, and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radios and television receivers, electrical switches, lamps, washing machines, refrigerators and air conditioners.

- (37) Processing and combining of food or candy products (except meat and fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, preserving or curing meats, manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
- (38) Light metal processes, such as: metal machining, finishing, grinding, and polishing, metal stamping and extrusion of small products, (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware, (such as sculptures, hand tools, bolts, nuts).
- (39) Bottling, packing or packaging establishment.
- (40) Central heating plant.
- (41) Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
- (42) Dwelling quarters for watchmen and caretakers employed on the premises, provided the quarters are located within the main building.
- (43) Personal service, convenience and indoor recreational facilities planned for the use of the employees of the district, and only incidentally for the general public, such as branch bank, branch post office, drugstore, restaurant, variety store, barber shop, beauty parlor, offices and bowling alley, if developed as an integrated service center.
- (44) Manufacture of ferrous and non-ferrous metal.
- (45) Private power generation facilities.
- (46) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]
- (47) Residential uses are permitted within existing office buildings.
- (48) Service station
- (49) Licensed Gaming Facility. The following additional requirements shall apply to a Licensed Gaming Facility and surface parking areas that serve it.
  - (1) The applicant shall seek input from the local public bus service provider regarding bus stops. If public transit service will be available, then a public transit stop shall be equipped with a minimum of one shelter. The transit shelter shall be placed such that it does not impede the normal pedestrian functions of the sidewalk.



- (2) Sidewalks shall be provided adjacent to public streets and from any adjacent arterial street to a pedestrian entrance of the use. At least one ADA-accessible pedestrian path shall be provided from a main pedestrian entrance through the main on-site parking area. This pedestrian path shall be demarcated by pavement markings or differing colors or materials and be separated from adjacent parking spaces by curbing, curb stops or similar barriers.
  - (I) Pedestrian sidewalks shall be provided in front of and along all public pedestrian entrances to business buildings and all bus unloading locations. Pedestrian routes and customer and employee parking areas shall be sufficiently illuminated for safety and security. Pedestrian routes and sidewalks shall be a minimum of five (5) feet in width. Crosswalks shall be well-marked and be ADA-accessible.
- (3) A landscaping plan shall be designed by a registered landscape architect.
- (4) A minimum of five (5) percent of the land area of off-street surface parking areas shall be within interior islands landscaped with trees, shrubs and vegetative ground cover.
- (5) The exterior design of the principal building as viewed from an adjacent arterial street shall be of distinctive design. Exterior finished building materials visible from an adjacent arterial street shall be of an enduring quality, such as glass, transparent materials, brick, architectural masonry, architectural metal and materials of similar quality.
  - (I) Prior to receiving final subdivision or land development approval, the applicant shall submit a set of preliminary proposed architectural sketches and conceptual sign designs (both wall and freestanding) to the City Planning Commission for review and comment. Such drawings or sketches shall be prepared with the involvement of a Registered Architect.
  - (II) Architectural elements shall be used to reduce the visibility of roof mounted mechanical equipment from adjacent public streets.
- (6) A minimum of ten (10) percent of the total lot area shall be maintained in trees, shrubs, vegetative ground cover and/or a landscaped pedestrian plaza with decorative paving patterns, benches and/or preserved historic features. This ten (10) percent area may be calculated based upon an entire tract, as opposed to each lot within a development tract. Buffer yards may count towards this requirement.
- (7) A row of trees, which may be staggered to allow room for future growth, shall be placed between any on-street parking area and any adjacent perennial river.
- (8) A minimum ten (10) feet wide landscaped planting area shall be located abutting any public street. This planting area shall not be required where there is a change of grade of more than five (5) vertical feet immediately

adjacent to the sidewalk. This planting area may include a combination of land inside and outside of the right-of-way, and areas between the curb and the sidewalk may count towards this width. This planting area shall include shrubbery and other landscaping that is designed and located to avoid conflicts with safe sight distances at intersections.

- (9) All waste storage areas and tractor-trailer loading docks that are not within a building shall not be located along a facade facing an adjacent arterial street.
- (10) Utility service lines that serve the use shall be underground.
- (11) The City encourages the use of Crime Prevention Through Environmental Design concepts to help reduce the potential for criminal activity on site. In this regard, any shrubbery within parking areas is encouraged to involve species with a mature height of less than three (3) feet, or regular trimming, to avoid obstruction of views of motorists and pedestrians and to allow clear views for crime prevention. Fences, walls or landscaping should be provided to prevent and /or discourage public access to or from dark and/or unmonitored areas.
- (12) With respect to any Lot which includes a Licensed Gaming Facility, the requirements set forth in Section 1322.04(i) of the Zoning Ordinance of the City of Bethlehem, Pennsylvania, as amended, shall not apply.

[Section 1317A.03(a)(47) was added by Ordinance No. 4191 on May 21, 2003]

[Section 1317A.03(a)(48) was added by Ordinance No. 4345 on October 18, 2005]

[Section 1317A.03(a)(49) was amended by Ordinance No. 4393 on October 6, 2006]

- (b) Additional uses that are compatible with uses that are permitted by right may be permitted as special exception uses.
- (c) The following uses shall not be permitted:
  - (1) Prison facility.
  - (2) Trash or Waste Incinerator Facility.
  - (3) Storage of Used or Discarded Motor Vehicle Tires.
  - (4) Junkyard.
  - (5) Landfill.
  - (6) Cement Manufacturing Plant.
  - (7) Manufacture of Asphalt.
  - (8) Manufacture of Paint.
  - (9) Petroleum Refining Storage or Distribution.

- (10) Pawn Shop.
- (11) Adult-Oriented Establishment.
- (12) Massage Parlor.

[Section 1317.03(c)(10 through 12)) were added by Ordinance No. 4393 on October 6, 2006]

1317A.04 Area, Yard and Building Regulations

The area, yard, and building regulations for each proposed use shall be governed by the most intense applicable zoning district in which the use is permitted by right. To determine the area, yard and building regulations for a Licensed Gaming Facility, the C-B Commercial Business District criteria set forth in Article 1318.01 and Appendix A shall apply.

[Section 1317.A.04 was amended by Ordinance No. 4393 on October 6, 2006]

1317A.05 Off-Street Parking and Loading Regulations

Off street parking and loading regulations shall be governed by Article 1319. Off street parking shall be permitted on a lot other than the proposed development site, provided adequate assurances are given that such parking will not be eliminated by future development. The applicant and City Planning Commission shall consider modifications to these standards based on existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1351.03 of the Subdivision and Development Ordinance and such modifications shall include but not be limited to:

- (a) Shared parking pursuant to Section 1319.02(e);
- (b) Providing for up to 30% of the total parking required as compact spaces; compact spaces shall have a minimum dimension of 8 feet in width and 16 feet in length;
- (c) Credit for other methods of transportation to the site, including bus and rail service; and
- (d) Recent authoritative standards information regarding parking standards for individual uses will be employed.

1317A.06 Sign Regulations

Sign regulations shall be governed by Article 1320. The applicant and City Planning Commission shall consider modifications to the standards based on the existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1351.03 of the Subdivision and Development Ordinance.

1317A.07 Site Plan Review Requirements

Property owners within this zoning district must submit site plans in accordance

with this Article or in accordance with Article 1317, except as modified by Section 1317A.03(c). If the property owner elects to proceed under this Article, it shall submit plans in accordance with Article 1321 for each proposed development project. If there is a substantial deviation in the development submission from what is described in 1317A.03(ii), the City Planning Commission may require additional information to approve the proposed modification.

1317A.08 Additional Regulations Within the I-R District

- (a) Street trees meeting requirements of the City shall be required on each side of every public and private street. A minimum average of one street tree shall be required for each forty (40) feet of public or private street length, unless existing trees will be preserved to serve the same purpose, or unless the City allows an average of one tree of every fifty (50) feet for trees with larger canopies. In addition, a minimum average of one deciduous shade tree shall be required for every fifteen (15) surface parking spaces. Such deciduous trees shall meet the street trees requirements of the Subdivision and Land Development Ordinance. No more than twenty (20) consecutive surface parking spaces shall be located in a straight row (not including adjacent spaces accessed from a different aisle) without being separated by a landscaped island with a deciduous tree.
  - (1) Required deciduous trees shall have a minimum trunk diameter of 2.5 inches measured six (6) inches above the ground, and a minimum ten (10) feet height above the ground when planted. Each required deciduous tree within a parking lot shall be surrounded by a minimum 5 feet diameter vegetated area. The City may require curbing or other methods to protect trees from damage by vehicles. Only species of trees that are on the City's list of approved street trees shall be used to meet a requirement of this Ordinance for a required deciduous tree, unless otherwise approved by the City Forester.
- (b) Each garbage dumpster shall be stored within a building or be surrounded by a decorative masonry wall and/ or a weather-resistant decorative board fence and gate.
- (c) Lighting. New exterior freestanding parking lot light fixtures shall have a cutoff design that aims lighting downward and away from residential districts. The heights, spacing and design of exterior freestanding parking lot light poles shall be subject to approval by the City during the final subdivision or land development stage.
- (d) Each phase of any development shall be able to meet the requirements of this Ordinance and be able to properly function, even if later phases of development would not be completed.
- (e) More than one permitted use or building shall be allowed on a lot, provided there is compliance with the requirements for each use or building. A building may include two or more allowed uses. Individual uses or buildings may be owned in a condominium arrangement, or handled through leases or other ownership arrangements approved under the Subdivision and Land Development Ordinance. Parking and

driveways may be held in common ownership, provided that suitable legal mechanisms are in place to ensure long-term maintenance, which shall be subject to acceptance by the City.

- (f) Any portion of a developed lot that is not used for buildings, structures, accessory uses, parking, loading areas, sidewalks or similar features shall be landscaped with trees, shrubs, hardscape or vegetative ground cover.

[Section 1317A.08 was added by Ordinance No. 4393 on October 6, 2006]

## ARTICLE 1317B

### IR-F INDUSTRIAL REDEVELOPMENT – FLEXIBLE DISTRICT

#### 1317B.01 Purpose

The purpose of this district is to promote the economic revitalization of underutilized industrial properties and to provide suitable areas for the use of business and industry. In order to accomplish this purpose a variety of land uses will be permitted within this district and flexible design standards will be applied during the site plan approval process.

#### 1317B.02 Special Requirements

- (a) The property owner shall submit the following to the City Planning Commission for approval:
  - (1) A boundary plan of the property owned by the applicant; and,
  - (2) A report describing:
    - (i) The existing general site conditions for the property of the IR-F District including:
      - (a) Existing public easement, public rights of way, roads and streets, and major waterways;
      - (b) Existing public utilities including storm drains, sanitary sewers, water lines and railroad lines; and
      - (c) Existing topography, major building locations, soil and subsoil conditions, location and character of surface water, and areas subject to flooding (100-year floodplains), steep slopes, wooded areas, and recorded historical and archeological sites.
    - (ii) The general character of the proposed development including:
      - (a) Goals and objectives for development;
      - (b) Potential future uses;
      - (c) Anticipated demand on existing utilities including storm drains, stormwater management, sanitary sewer, and water lines; and,
      - (d) Potential site access points.

1317B.03 Use Regulations

A building may be erected or used and a lot may be used or occupied for any of the following purposes, subject to applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other city ordinances.

- (a) The following uses are permitted by right:
- (1) Indoor commercial recreation facilities and sports facilities.
  - (2) College, seminary, or similar for-profit or non-profit post-secondary school or educational institution.
  - (3) Hotel, motel lodge, and motel.
  - (4) Retail and service use.
  - (5) Banks, brokerage firm, insurance agency, and other financial institutions.
  - (6) Business or professional offices, including studio.
  - (7) Theater, auditorium, museum, library, and other civic and cultural facility including an indoor amusement and recreational facility.
  - (8) Any facility whose purpose is dedicated to historic preservation.
  - (9) Restaurant for the sale and consumption of food and beverage.
  - (10) Bar.
  - (11) Visitor Center.
  - (12) Radio and television broadcasting, studio and transmission towers.
  - (13) Printing, publishing, bookbinding, lithographing or similar establishment.
  - (14) City Government uses.
  - (15) Meeting and banquet halls, conference and convention centers.
  - (16) Headquarters or other office building, including data processing and record storage.
  - (17) Passenger terminal facility including taxi stand, bus and rail passenger station, and shelter.
  - (18) Laboratory, research, testing, and experimental use not involving danger of fire or explosion or any offensive noise, vibration, smoke, dust, glare, heat, or other objectionable influence.
  - (19) Photographic developing and printing establishment.

- (20) Parking lots and structures.
- (21) Barber and beauty shops.
- (22) Tailor.
- (23) Florists.
- (24) Hardware store.
- (25) Food store.
- (26) Magazine store.
- (27) Candy store.
- (28) Bakery store.
- (29) Doctor's office.
- (30) Dentist's office.
- (31) Warehousing, wholesale, storage or distribution use.
- (32) Manufacture, assembly or treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur, precious or semi-precious metals or stones, shell, textiles and tobacco.
- (33) Manufacture of: ceramic products; novelty or small products from previously prepared paper or cardboard; jewelry, clocks and watches, medical, drafting, optical and other professional and scientific instruments and equipment, musical instruments, small rubber products and synthetic treated fabrics, textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning); toys, wood products.
- (34) Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes, and pharmaceutical.
- (35) Manufacture and assembly of electrical or electronic components or devices; home, commercial and industrial appliances and instruments, and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radios, and television receivers, electrical switches, lamps, washing machines, refrigerators and air conditioners.
- (36) Processing and combining of food or candy products, including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such



processes as: drying, preserving or curing meats, manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.

- (37) Light metal processes, such as: metal machining, finishing, grinding, and polishing, metal stamping and extrusion of small products, (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware, (such as sculptures, hand tools, bolts, nuts).
  - (38) Bottling, packing or packaging establishment.
  - (39) Central heating plant.
  - (40) Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
  - (41) Manufacture of ferrous and non-ferrous metal.
  - (42) Public or private power generation facilities.
  - (43) Commercial Communication Towers and Antennas.  
[See Section 1318.28A]
  - (44) Public or private utility installation.
  - (45) Repair garage.
  - (46) Service station.
  - (47) Motor vehicle sales and service agency.
  - (48) Open space.
- (b) Accessory uses customary with and incidental to any aforesaid use in this Article are permitted unless otherwise excluded by these regulations.
  - (c) None of the permitted uses for this District are required to have conditional use approval.
  - (d) Additional uses and their customary accessory uses that are compatible with uses that are permitted by right may be permitted as special exception uses when authorized by the Planning Commission in accordance with Article 1322.
  - (e) The following uses shall not be permitted:
    - (1) Storage of Used or Discarded Motor Vehicles Tires.
    - (2) Landfill.

1317B.04 Area, Yard and Building Regulations

- (a) Minimum Yard Requirements: The following setbacks shall be applicable only if the adjacent property affected is in a Residential District. If the adjacent property affected is in a different zoning district that Residential, then the front yard setback may be reduced to twenty (20) feet, and there shall be no rear or side yard setback requirements under this Part Thirteen – Zoning Code.
  - (1) Front Yard (Ft.): 50
  - (2) Rear Yard (Ft.): 50
  - (3) One Side (Ft.): 50
  - (4) Both Sides (Ft.): 100
- (b) Maximum building height shall be 75 feet. There is no maximum building coverage limitation. There is no minimum lot width requirement.
- (c) The City Planning Commission may consider requested modifications to these standards in accordance with the terms of Article 1351.03 of the Subdivision & Development Ordinance.
- (d) The provisions of section 1318.01 shall be deemed to be either amended or suspended so as to conform with Section 1317B.04(a) – Minimum Yard Requirements, as set forth above.

1317B.05 Off-Street Parking and Loading Regulations

Off street parking and loading regulations shall be governed by Article 1319, Off-Street Parking and Loading, except as modified by this section.

- (a) Shared parking shall be permitted pursuant to Section 1319.02(e);
- (b) Section 1319.01(a)(30) shall be modified in this zoning district to require for warehouse, freight terminals and trucking terminals, one parking or storage space for all vehicles used directly in the conduct of such business, plus one (1) parking space for each person regularly employed on the premises.
- (c) Shade trees. If the applicant can provide information that an area is not visible from a public way and there is no access to the area or visibility to the area by the public, then the Planning Commission may consider waiving or partially waiving the shade tree requirements of Section 1319.02(j), following review and recommendation by the City’s Planning and Zoning Bureau.
- (d) Off-street parking shall be permitted on a lot other than the proposed development site, provided adequate assurances are given that such parking will not be eliminated by future development.
- (e) The City Planning Commission may approve a reasonable reduction of the

minimum off-street parking and loading facilities standards based the proposed use. Such reductions shall include but not be limited to:

- (1) providing for up to 30% of total parking required as compact spaces; compact spaces shall have a minimum dimension of 8 feet in width and 16 feet in length;
  - (2) credit for other methods of transportation to the site, including bus and rail service; and
  - (3) recent authoritative standards information including parking use studies supplied by the applicant regarding parking standards for individual uses shall be employed.
- (f) The width of entrance and exit drives shall be:
- (1) A maximum of one hundred fifteen (115) feet at the curb line for one-way use only.
  - (2) For two-way use, a maximum of one hundred thirty (130) feet measured along the curb line between the points of intersection of the two opposing driveway curb returns. Depressed curb driveway aprons shall not be required.

#### 1317B.06 Additional Provisions

Because of the extremely large lots proposed within the IR-F zoning district and the proposed limited access by the general public and the unique access provisions of the combined rail and truck access, the following general provisions are also permitted in the IR-F zoning district:

- (a) The steep slope provisions of section 1318.29 shall not apply in the Industrial Redevelopment-Flexible zoning district.
- (b) The Special Conditions for an industrial park in section 1322.04(e) shall not be applicable in the Industrial Redevelopment – Flexible zoning district.
- (c) The Planning Commission may consider waivers from sections 1321.03 (e), utilities, and (f), special features, pursuant to section 1351.03 of the Subdivision and Development Ordinance.

#### 1317B.07 Sign Regulations

Sign regulations shall be governed by Article 1320. The City Planning Commission may consider modifications to the standards based on the existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1351.03 of the Subdivision and Development Ordinance.

#### 1317B.08 Site Plan Review Requirements

Property owners within this zoning district must submit site plans in accordance with this Article, except as modified by Section 1317B(02), special requirements, for each development project. If there is a substantial deviation in the development submission from what is described in 1317B.02(a)(2)(ii), (describing the general

character of the proposed development), the City Planning Commission may require additional information to approve the proposed modification.

[Section 1317B was added by Ordinance No. 4187 on May 6, 2003]

## ARTICLE 1318

### GENERAL REGULATIONS

#### Purpose

This Article contains general regulations which apply to several or all districts and which do not require special action by City Planning Commission (except for subdivisions) or special exceptions or variances by the Zoning Hearing Board.

#### DIMENSIONAL REQUIREMENTS

##### 1318.01 District Dimensional Requirements

The dimensional requirements for each district pertaining to minimum lot area, minimum lot width, minimum yards, maximum height and maximum building coverage are specified in the Section "Table of Area, Yard, and Building Regulations", subject to the further applicable provisions of Articles 1304 through 1318. (See Appendix A, Pages A-1 through A-7).

##### 1318.02 Lot Area or Yard Required

The lot area and yards required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

##### 1318.03 Minimum Lot Width

Where a minimum lot width is specified no principal building shall be erected on any part of a lot which has a width of less than is specified, except as may be permitted by Section 1318.04.

##### 1318.04 Exceptions to Minimum Lot Areas and Yards

Buildings located on corner lots that are re-subdivided shall conform to the front yard requirements of the street on which they originally face, in addition to the front yard on the street on which they face after re-subdivision. However, buildings on a corner lot may be faced at an angle perpendicular to the intersection of two (2) streets, and the corners of such building may project into the front and side yards to a total amount equal in areas to the triangle formed by the intersection of the front of the building with the front and side yard lines. Further, any such projections of the ends of the building shall not extend into either the front or side yard more than twenty-five percent (25%) of the depth of such yards.

##### 1318.05 Accessory Private Garage Structures within Required Side and Rear Yards

Required side and rear yards, except the side yard adjacent to a street of a corner lot, may be occupied by an accessory garage use provided that:

- (a) Such accessory garage structure, or uses shall be situated not less than

two (2) feet from any lot line, except when the lot is adjacent to a rear alley, the building shall be not less than five (5) feet from the rear lot line.

- (b) That such accessory garage structure, or use shall not exceed twenty (20) feet in height.

1318.06 Traffic Visibility Across Corners

- (a) In any district, no structure, fence, planting, or other structure shall be maintained between a plane two and one-half (2 1/2) feet above curb level and a plane ten (10) feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line twenty-five (25) feet from the intersection of said lot lines or extensions thereof. On any corner lot in a commercial district, the above requirements shall apply, except that the sight triangle may be reduced from twenty-five (25) feet to eight (8) feet.
- (b) At each point where a private accessway intersects a public street or road, a clear-sight triangle of eight (8) feet measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two and one (2 1/2) feet above the street grade.

1318.07 Front and Side Yards of Corner Lot

On a corner lot the street side yard shall equal the required front yard of the most restrictive district within the block and fronting on the side street.

1318.08 Spacing of Non-Residential Buildings on the Same Lot

Where two (2) or more main buildings for other than residential uses are proposed to be built upon property in one (1) ownership, front, side and rear yards are required only at lot lines abutting other property.

1318.09 Front Yard Regulations

Where a minimum depth of front yard is specified in Section 1318.01, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure except as may be permitted in Section 1318.04 and hereafter.

1318.10 Establishment of Front Yard Setbacks

Front yard setbacks shall be measured from the legal right-of-way lines established for roads and highways shown on the City of Bethlehem Official Map.

1318.11 Projections Into Front Yards

Ground story bays not over half the length of the front wall may project into any front yard five (5) feet. Chimneys, flues, columns, sills, and ornamental features may project not more than one (1) foot and cornices and gutters not more than two (2) feet. Up to one third of the required front yard setback may be occupied by an

unenclosed "open porch". Such porch may be screened and include a roof, but shall not include a second floor, with or without a roof.

[Section 1318.11 was amended by Ordinance No. 4217 on October 22, 2003]

1318.12 Fences and Terraces in Front Yards

Subject to Section 1318.06 the provisions of Section 1318.09 shall not apply to front fences, hedges, or walls less than seven (7) feet high above the natural grade in the required front yard nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the level of the floor of the ground story.

1318.13 Front Yard Reduction

- (a) When there is an existing building on each of two (2) lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere specified in this Ordinance, and when both such existing buildings are within one hundred (100) feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth of the lot on which the proposed building is to be erected.
- (b) In a development consisting of three (3) or more lots in single ownership, whether or not abutting, on the same side of a street within a single block, the front yard setback requirements may be reduced by no more than ten (10) feet provided that the average setback for the development lots shall comply with the district requirement.

1318.14 Side Yard Requirements

Where a minimum width of side yard is specified in Section 1318.01 no building or structure shall be erected within the specified distance from either side lot line, except as permitted in Section 1318.04.

1318.15 Projections Into Side Yards

Bays, balconies, chimneys, flues, and fire escapes may project into a required side yard not more than one-third of its width and not more than four (4) feet in any case. Ground story bays and porches not over half the length of the side wall may project into any side yard three (3) feet.

1318.16 Fences and Terraces in Side Yards

Subject to Section 1318.06, the provisions of Section 1318.14 shall not apply to fences, hedges, or walls not over seven (7) feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the floor of the ground story.

1318.17 Rear Yard Requirements

No building or structure shall be built within the minimum depth from the rear lot line specified in Section 1318.01, except as permitted in Section 1318.04. Subject to Section 1318.06, the regulation shall not apply to fences or walls not over seven (7) feet high above the natural grade nor to terraces, steps, uncovered porches or similar features not over three (3) feet high above the floor of the natural grade. Up to one third of the required minimum rear yard may be occupied by an unenclosed ground floor rear porch or wood deck, with or without a roof.

[Section 1318.17 was amended by Ordinance No. 4217 on October 22, 2003]

1318.18 Rear Yard Requirements for Triangular Lots

There shall be no rear yard requirements for triangular lots.

1318.19 Maximum Height of Buildings

- (a) No building shall exceed the maximum height of buildings specified in Section 1318.01 except as specified in Section 1318.20.
- (b) Height shall be measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

1318.20 Height Exceptions of Maximum Regulations

Height limitations specified in Section 1318.01 shall not apply to barns and silos, nor to church spires, belfries, cupolas, domes, radio or television aerials, electric utility towers and poles, observation, transmission or radio towers, flagstaffs, chimneys, parapet walls which extend not more than four (4) feet above the limiting height, bulkheads, water tanks and water towers, elevator shafts, elevator and/or machinery penthouses, provided that any such structures shall not have a horizontal area greater than twenty-five percent (25%) of the roof area of the building.

Municipal buildings and municipal uses, including civic centers, library, museum, memorial building or gallery and community center buildings and/or civic service agencies buildings may be increased in height up to but not exceeding eight (8) stories or one hundred (100) feet, provided that such buildings shall not be closer to any street than twice the depth of the required front yard for the respective residential district in which such building is located and such setback from any street shall be increased by not less than one (1) foot for each one (1) foot in height of the building over thirty-five (35) feet, except in R-M Districts such setback from any street shall be increased by not less than one (1) foot for each six (6) feet or portion thereof in height of the building over thirty-five (35) feet.

1318.21 Coverage

For any building or group of buildings on a lot, the building coverage shall not exceed the maximum percentiles specified in Section 1318.01.



## GENERAL PERFORMANCE STANDARDS

1318.22

### Compliance

All uses and activities established after the effective date of this Ordinance, unless otherwise indicated, shall comply with the following standards:

- (a) Noise - Excessive levels of sound and vibration are detrimental and harmful to the health, comfort, living conditions, welfare and safety of citizens and injurious to their property. Noise disturbances that constitute a nuisance are considered in Section 717 of the Codified Ordinances of the City of Bethlehem.
- (1) Definitions -The following words, terms and phrases when used in this Section shall have the meaning ascribed to them below, except where the context clearly indicates a different meaning. All terminology and sound measurements referred to in this Section shall be in conformance with the applicable publications of the American National Standards Institute (See ANSI S1.1 -1960 (R. 1971), S1.13 - 1971, S1.2 - 1962 (R. 1971), or the latest revisions thereto), or its successor body.
  - ( I) Noise - Noise is any undesired sound.
  - ( II) Decibels (dB) - A unit of measurement of the sound pressure level equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (that is, 20 Micro-newtons per square meter). Sound pressure is the instantaneous difference between the actual pressure and the average or barometric pressure at a given point as produced by sound energy.
  - ( III) Sound Level - The quantity in decibels obtained by the use of a sound level meter which is an instrument that includes a microphone, amplifier, output meter, and frequency weighing networks used for the measurement of noise and sound levels in a specified manner.
  - ( IV) A-Weighted Sound Level (dBA) - The frequency weighing network that shall be used for the measurement of noises applicable to this Section is that designated as "A" by the American National Standards Institute (see ANSI S1.4 - 1971 or the latest revision thereto). The A-weighted sound level denoted by dBA is the sound pressure level in decibels as measured by a sound level meter using the A-weighting network.
  - ( V) Pure Tone - Any sound that can be heard essentially as a single pitch or a set of single pitches. For the purposes of this Section, a pure tone shall exist if the one-third octave band sound pressure level for the band with the tone exceeds the arithmetic average of the sound pressure levels

of the two (2) contiguous octave bands by five (5) dB for center frequencies of 500 Hz (that is, 500 cycles per second) and above, and 8 dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

(2) Noise Prohibitions

- ( I) A person shall not cause or permit noise levels to emanate that exceed those specified in the following table, including Paragraphs (II) and (III), except as exempted by Paragraph (IV).

MAXIMUM ALLOWED NOISE LEVEL  
FOR LAND USE AT A RECEIVING PROPERTY BOUNDARY  
EXPRESSED AS dBA

<u>Land Use</u>	<u>Daytime(a)</u>	<u>Nighttime(b)</u>
Industrial	75 dBA	75 dBA
Commercial	67 dBA	62 dBA
Institutional	60 dBA	55 dBA
Residential	60 dBA	55 dBA

- a. A-weighted Sound Level maximum allowed for the period 7:00 am to 10:00 pm.
- b. A-weighted Sound Level maximum allowed for the period 10:00 pm to 7:00 am.

- ( II) A person shall not cause or permit the emission of a pure tone that exceeds an A-weighted sound level 5 dBA lower than the applicable maximum given in the above table.

- ( III) A person shall not cause or permit an A-weighted sound level to emanate from construction or demolition activities that exceeds during daytime hours 90 dBA or during nighttime hours the maximum stated in the above table for the applicable land use.

( IV) Exemptions

The provisions of the Section do not apply to:

- ( i) Devices used only for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency or emergency work.
- ( ii) Motor vehicle on public right-of-ways, aircraft, trains, and emergency, utility or public operations, including snow removal.

- (iii) Sounds, other than those electronically amplified, created by sporting, amusement, entertainment, and other public gatherings conducted pursuant to other City permits or Ordinances. This exception includes, but is not limited to, public athletic contests, carnivals, fairs, parades, celebrations, and concerts.
- (b) Smoke, dust, fumes, gases, odors, mists, vapors and pollens. The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollens and similar matter, or any combination thereof, which can cause any damage to human or animal health or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at the point beyond the lot line of the use creating the emission is prohibited. Standards concerning such emission shall be in accord with the rules and regulations of the following sources: The Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, as amended 35 P.S., Article 4001, et seq.
- (c) Heat and Glare. Any operation producing glare and/or heat shall be performed within an enclosed building or in such a manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.
- (d) Vibrations. No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of that vibration produced as a result of construction activity.
- (e) Electric, Diesel, Gas, or Other Power. Every use requiring power shall be so operated that the service lines, substation or other facilities shall conform to the highest safety requirements, and shall be so constructed and installed as to be an integral part of the architectural features of the plant and, except for essential poles and wires, shall not extend into any yard and shall be suitably screened from streets or any adjacent property which would be deleteriously affected by such installations.
- (f) Storage and Waste Disposal. The following general regulations shall apply to the storage of materials and the disposal of materials:
  - (1) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances, located and operated on the same lot as the tanks or drums of fuel.
  - (2) All outdoor storage facilities for fuel, raw materials and products; and all fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence.
  - (3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.

- (4) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

1318.23

### Buffer Yards

Buffer yards are required in all office-research, commercial and industrial districts along the district boundaries between themselves and residential and institutional districts as shown in Section 1318.01, except that in a C-B District such buffer yards shall be required between the C-B District and the residential or institutional districts only where such districts abut at other than within the area of ordained City streets. Buffer yards are also required for specific land uses as indicated in Article 1325. Buffer yards shall comply with the following standards:

- (a) The buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line.
- (b) The buffer yard shall be required in the C-B, C-G, C-L, C-S, C-R, C-M, P-I, L-I, and H-I Districts along the district boundaries between themselves and all residential district boundary lines in adjoining municipalities.
- (c) The buffer yard may be coterminous with required front, side, and rear yards, and in case of conflict, the larger yard requirements shall apply.
- (d) All buffer yards shall be planted with grass seed, and/or ground cover, and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
- (e) No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard.
- (f) All buffer yards shall include a dense screen planting of trees, shrubs or other plant material, or both, to the full length of the lot line to serve as a barrier to visibility, air-borne particles, glare and noise. Such screen planting shall be located within the buffer yard, and shall be in accordance with the following requirements:
  - (1) Plant materials used in the screen planting shall be at least four (4) feet in height when planted and be of such species as will produce, within two (2) years, a complete visual screen of at least six (6) feet in height.
  - (2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
  - (3) The screen planting shall be so placed that at maturity it will not be closer than three (3) feet from any street or property line.

- (4) In accordance with the provisions of Section 1318.06, a clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
  - (5) The screen planting shall be broken only at points of vehicular or pedestrian access.
- (g) No screen planting shall be required along streets which form district boundary lines, provided that:
- (1) No outdoor processing or manufacturing activity and no outdoor storage of materials shall be so located as to be visible from the adjacent Residential District.
  - (2) Only the front of any proposed building shall be visible from the adjacent Residential District.
- (h) Prior to the issuance of any building permit, complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials and the placement, size, materials, and type of all fences to be placed in such buffer yard shall be reviewed by the Planning Commission, in accordance with Article 1321, Site Plan Review, to insure compliance with the terms of this Ordinance.

#### REGULATIONS APPLYING TO CERTAIN USES AND DISTRICTS

1318.24

##### Planned Unit Development

- (a) The Planned Unit Development concept is intended to permit flexibility in lot layout, lot sizes, housing types, and the placement and bulk of buildings planned and developed as a unit. It is also intended to provide for developments incorporating a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. The purpose of this Section is to permit such flexibility and provide performance criteria which can result in planned residential developments with:
- (1) A maximum choice in the type of environment and living units available to the public;
  - (2) Common open space and recreation areas;
  - (3) A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion;
  - (4) A creative approach to the use of land and related physical development;
  - (5) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower development costs;
  - (6) An environment of stable character in harmony with surrounding development;

- (7) An opportunity to create a different type of living environment than may be possible through the strict application of other sections of this Ordinance.
- (b) Location. A Planned Unit Development may be established in the R-S, R-G, R-T, and R-M Districts.
  - (c) Procedure:
    - (1) Within sixty (60) days after the filing of an application for tentative approval of a Planned Unit Development, a public hearing, pursuant to public notice, shall be had by the Planning Commission.
    - (2) All testimony shall be taken under oath and every party of record shall have the right to cross-examine the witnesses. A verbatim record of the hearing shall be caused to be made by the Planning Commission whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies.
    - (3) The public hearing shall be concluded not more than sixty (60) days after the date of the first public hearing.
    - (4) Within thirty (30) days after the conclusion of the public hearing, the Planning Commission, by official written communication, shall:
      - ( I) Grant tentative approval of the plan as submitted;
      - ( II) Grant tentative approval, subject to conditions not included in the development plan as submitted; or
      - ( III) Deny tentative approval to the plan as submitted.Failure to so act shall be deemed a grant of tentative approval.
    - (5) A building permit for any structure in a planned unit development shall be issued only after the plans for such development have been finally approved by the Planning Commission. The site plans, reports and related information submitted shall be in sufficient detail to enable the Planning Commission to evaluate the proposed development in accordance with the conditions of Section 1318.24(d). Said plans shall also be referred to the County Planning Commission for study and recommendation. A recommendation shall be forthcoming to the City or the Commission shall forfeit the right to review. All structures in a planned unit development shall be constructed as shown on the approved plans. Any changes to the approved plans shall be resubmitted for Planning Commission approval. Final approval

shall be granted by the Commission no earlier than the meeting following the grant of tentative approval.

- (d) Plan Review. The Planning Commission shall investigate and ascertain that the plans for a planned unit development meet the following conditions:
- (1) The density for the development shall not exceed the maximum density standards for multiple family dwellings for the district as stated in Article 1318. Thus, the following table shows the maximum density standard for a planned unit development in each of the City's residential districts:  
  
R-S - One (1) dwelling unit for each 6,000 sq. ft.  
R-G - One (1) dwelling unit for each 4,000 sq. ft.  
R-T - One (1) dwelling unit for each 3,000 sq. ft.  
R-M - One (1) dwelling unit for each 2,000 sq. ft.
  - (2) In R-S, R-G, and R-T Residence Districts, at least 20% of the development shall consist of single family detached dwellings. The remaining portion of the development shall consist of two family, single family attached, and/or multiple family dwellings. No development shall consist of more than 50% of any one (1) type of dwelling unit.  
  
In R-M Residence Districts, at least 10% of the development shall consist of either single family detached or two (2) family dwellings. The remainder of the development may consist of single family detached, two (2) family, single family attached or multiple family dwellings, with a minimum of three (3) dwelling types represented, and a maximum of fifty percent (50%) of any of these dwelling types.
  - (3) The net development acreage shall be determined by subtracting from the total tract size the area set aside for churches and schools, subtracting all water courses and flood plains, and deducting fifteen percent (15%) of the remainder for streets, regardless of the amount of land used for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. The land set aside for common open space or recreation use shall constitute at least twenty percent (20%) of the total tract area.
  - (4) The proposed development shall be served by public water supply and public sewage disposal systems.
- (e) There shall be no maximum building height, no minimum lot area, no minimum lot width. However, no single-family dwelling (except in an attached or semi-detached dwelling) and no addition to any single family dwelling shall be erected within a distance of less than sixteen (16) feet from any other single family dwelling.
- (f) There shall be no non-residential uses within the development except that certain commercial, business and services activities, identified as a use

permitted by right in C-L, Limited Commercial, may be included in planned unit developments, provided:

- (1) The planned unit development contains two hundred (200) or more dwelling units.
  - (2) Not more than six thousand (6,000) square feet of commercial floor area be provided for every two hundred (200) units.
  - (3) Separate commercial buildings or commercial parts of residential buildings and commercial activities to be conducted therein be intended, planned, and designed to primarily serve the inhabitants of the Planned Unit Development in which they are located.
  - (4) Commercial activities, whether in separate buildings or incorporated as parts of residential buildings, shall be of an architectural design compatible with the residential buildings.
  - (5) Parking facilities shall be provided in accordance with applicable provisions of Article 1319.
  - (6) Signs, if provided, shall be limited to an identification sign for each point of access, shall not exceed two (2) square feet in area and shall be attached flat against the face of the buildings.
- (g) Open space and recreation land for common use shall be an essential and major element of the plan.
- (g) The location and size of the proposed use or uses, the nature and density of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly or persons in connection therewith, will not be hazardous or inconvenient to the neighborhood. In applying this standard the Planning Commission shall consider, among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main traffic thoroughfares and to street and road intersections; and, the general character and intensity of the existing and potential development of the neighborhood.
- (i) The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- (j) Off-street parking shall be provided according to the applicable minimum requirements of Article 1319. Design, arrangement, and improvement of streets and driveways, shall conform with the officially adopted City of Bethlehem Subdivision Ordinance. Also, every structure containing dwelling units shall have access to a public street directly or via a court, walkway or other area devoted to public use but need not front on a road.
- (k) Maintenance of Common Facilities. The Planning Commission shall be provided with sufficient information to enable it to determine the



agreements and procedures through which land and facilities for common use will be maintained. A Homes Association will be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and open space and recreation areas. When required, the owner(s) must establish a Homes Association in accordance with the requirements and procedures outlined by FHA in Sections 7 and 8.2 of the Land Planning Bulletin No. 6 entitled "Planned Unit Development With a Homes Association", dated December, 1963.

1318.25 Highway Frontage Development

In order to encourage the sound development of highway frontage and to minimize traffic congestion and hazard, the following special provisions shall apply:

- (a) All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, planting strip, wall, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary access ways or access roads which supply entrance to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up vehicles on a public street while awaiting entry to the lot.
- (b) Each use with less than one hundred (100) feet of frontage on a public street shall have not more than one (1) accessway to each such street, and no business or other use with one hundred (100) feet or more of frontage on a public street shall have more than two (2) accessways to any one (1) street for each three hundred (300) feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access to a major street.
- (c) In the case of a shopping center, group of multiple family dwellings or similar grouping of buildings on a lot, and in any other case where practicable:
  - (1) All buildings shall front upon a marginal street, service road, common parking lot or similar area and not directly upon a public street;
  - (2) All points of vehicular access to and from a public street shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other, provided, however, that such a point of vehicular access, which in effect, converts a "T" intersection into an intersection of two (2) streets which cross one another, shall be permitted;
  - (3) Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center, or other unified development, without undue congestion to, or interference with normal traffic flow within the City; and

- (4) All streets and accessways shall conform to the specifications determined by the City Engineer and the requirements of the City of Bethlehem Subdivision Ordinance. Provision shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where desirable.
- (d) All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use.

1318.26 Notice to Adjoining Municipalities

Where a property is located within five hundred (500) feet of a municipal boundary, the Planning Commission, Zoning Hearing Board, or officer having jurisdiction shall refer any subdivision plan, development plan, variance petition or special exception application to the neighboring municipality for its comments.

1318.27 Requirements for Satellite Earth Stations

- (a) The maximum size of a satellite earth station shall be twelve (12) feet in diameter.
- (b) In a Residential District, no satellite earth station may be located in the front yard of a lot or in the street side yard of a corner lot.
- (c) Any satellite earth station located in a side or rear yard in a Residential District or in any yard in a Commercial, Industrial, or Institutional District must be set back from the nearest property line a distance equal to the overall height of the antenna which may not exceed fifteen (15) feet.
- (d) No satellite earth station located on a roof may exceed an overall height of ten (10) feet above the highest point of the roof.
- (e) No satellite earth station may be used for commercial purposes if located in a Residential District

1318.28 Regulations for Commercial Communication Towers and Antennas

(a) Purpose

The purpose of these regulations is to minimize the number of new commercial communication towers through encouraging co-location of commercial communication antennas, to ensure that new towers will be safe and be placed in suitable locations, and to help ensure that municipal land use regulations are in compliance with the Telecommunications Act of 1996.

(b) Definitions

- (1) Cellular Telephone - A system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a wireless telephone.

- (2) Commercial Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas, and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
- (3) Commercial Communications Tower - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communication antennas.
- (4) Fall Zone - The area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communications tower. The fall zone shall be determined by the applicant's engineer and subject to the review and approval of the City Engineer.
- (5) Height of Tower - The overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.
- (6) Public Utility Transmission Tower - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

(c) District Requirements

- (1) Commercial communication towers shall not be permitted in any residential zoning district.
- (2) Commercial communication towers shall not be permitted within 100' of any residential zoning district.
- (3) After review and approval of a site plan by the City Planning Commission, commercial communication towers may be permitted in any commercial, institutional or industrial district.
- (3) After approval by the Chief Building Inspector commercial communication antennas shall be permitted by right in any zoning district if placed on an existing commercial communications tower, public utility transmission tower or any other structure at least sixty (60) feet high.

- (5) Commercial communication antennas that are located within an existing structure shall be excluded from the heights requirements of paragraph (4) above.

(d) Special Requirements

- (1) Site Plan - A site plan for any proposed commercial communications tower shall be prepared by the applicant and submitted to the City Planning Commission for review in accordance with all applicable zoning and subdivision and development ordinance regulations.
- (2) Setback - A commercial communications tower shall be set back from all property lines the most restrictive of the following: a minimum distance equal to 1/2 (one-half) its height or a distance equal to the commercial communications tower fall zone.
- (3) Fence - The base of a commercial communications tower shall be surrounded by a secure fence with a minimum height of eight (8) feet.
- (4) Landscaping - Evergreen plantings shall be required to screen the fence surrounding the tower and any other ground level features such as a building or parking area. The evergreen screen shall be a minimum of six (6) feet high at planting with an expectation to grow to a minimum of fifteen (15) feet high at maturity. At the discretion of the City Planning Commission, the landscaping requirement may be altered or waived in an Industrial District.
- (5) Parking - A minimum of two (2) off-street parking spaces shall be provided for a commercial communications tower.
- (6) Wind Resistance - For any commercial communications tower or antenna higher than fifty (50) feet, the applicant shall provide, at the time of applying for a building permit, certification from a registered professional engineer as to the overall structural integrity of the tower and that the tower or antenna meets the wind resistance requirements stated in the latest version of the BOCA National Building Code.
- (7) Federal Aviation Administration (FAA)
  - (I) The applicant shall provide documentation of FAA approval for commercial communication towers or antennas exceeding two (2) hundred feet in height. Commercial communication towers or antennas less than two (2) hundred feet in height shall meet the requirements of 14 Code of Federal Regulations Part 77.13(a), as amended (copy attached).
  - (II) No commercial communications tower or antenna shall be artificially lighted except when required and approved by the FAA.

- (8) Pennsylvania Department of Transportation (Aviation)
  - (I) The applicant shall provide documentation of PennDOT Bureau of Aviation approval for commercial communication towers or antennas in accordance with P.L. 837, No. 164 and Title 67 PA Code Chapter 479, Section 479.4.
  - (II) No commercial communications tower or antenna shall be artificially lighted except when required and approved by PennDOT Bureau of Aviation.
- (9) Airport Coordination - The applicant for a proposed commercial communications tower or antenna, located within a five (5) mile radius of an existing or planned airport, will notify the airport manager in writing of its intent to place such structures. If, in the judgement of the airport manager, the proposed structure should be marked and/or lighted, the applicant will comply with the finding of the airport manager. Such findings will supersede findings issued by the FAA or PennDOT that do not require marking or lighting. Any marking or lighting required by the airport manager shall be consistent with FAA advisory circulars in effect at the time.
- (10) Federal Communications Commission (FCC)
  - (I) The commercial communications company shall provide documentation that it is licensed by the FCC.
  - (II) Whenever applicable, the applicant shall provide documentation that the FCC has approved the proposed commercial communications tower or antenna.
  - (III) Whenever applicable, the applicant shall provide documentation that the proposed commercial communications tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
- (11) Documentation of Need - The commercial communications company shall demonstrate, using technological evidence, that in order to satisfy its functional requirements, the tower and/or antenna must go where it is proposed. Also, if a tower is proposed, that there are no existing structures within 1/4 mile of the site on which to place the antenna.
- (12) Removal of Commercial Communication Towers and Antennas - If a commercial communications tower and/or antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within six (6) months of notice to do so by the City. In addition, all portions of the base that are at or above the existing grade shall be demolished and removed from the site. Prior to the issuance of a building permit by the City, the applicant shall post security in a form acceptable to the City Solicitor favoring the City in an amount to

cover the costs of tower and/or antenna removal and site clean-up. The security shall be utilized by the City in the event that the owner or operator of the facility fails to remove the tower and/or antenna within six (6) months of notification by the City.

1318.29      Development Standards For Steep Slopes

For the purpose of these regulations, any land with a gradient in excess of 15% shall be deemed subject to these regulations.

(a)      Intent

This section is intended to serve the following purposes, to avoid problems that typically accompany development of steeply sloped and adjacent areas:

- (1)      To avoid severe soil erosion and sedimentation, especially considering many steep areas are highly vulnerable to erosion.
- (2)      To avoid severely increased stormwater flow rates and velocities.
- (3)      To recognize the recommendations of the Joint Planning Commission's Comprehensive Plan for Lehigh and Northampton Counties (which identifies the majority of the areas affected by this Section as "Environmental Hazard Areas").
- (4)      To steer development to those areas that are more physically suited for it, and where the City has allowed for intense development.
- (5)      To avoid construction of steep roads that are difficult, time-consuming and expensive to maintain.
- (6)      To avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, and that are difficult for fire trucks to access.
- (7)      To seek to conserve forested areas that are important parts of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats, especially along the Monocacy Creek.
- (8)      To recognize that many of the areas affected by this section include natural springs, wetlands and major drainage channels that are important parts of the hydrological cycle, affecting water quality, water quantity, aquatic habitats and public water supplies.

(b)      Exceptions

(1)      Small Areas Of Slope.

If the total areas of over 15% slope within the construction area are less than five hundred (500) square feet, the City Engineer may waive the requirements related to development of steep slopes.

(2) Existing Streets.

The disturbance of sloped areas for widening, alignment improvement, sight distance improvement or similar improvement of an existing street for public safety reasons or that is required by, approved by or accomplished by the City or the Pennsylvania Department of Transportation.

(3) Man-Made Slopes.

The alteration of slopes that were clearly lawfully man-made (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the natural slope of such land.

(4) Building Expansion.

An expansion of a building that existed and for which a valid building permit was issued prior to the effective date of this Section (1318.29) shall not by itself cause the requirements of this Section (1328.29) to apply.

(5) Public Open Space.

The development of public open space uses by a governmental agency or an established nature conservation organization shall not by itself cause the requirements of this Section (1318.29) to apply.

(6) Municipal Uses.

Uses owned by the City of Bethlehem or its authorized municipal authorities for legitimate governmental purposes shall not be bound by the requirements of this Section (1318.29).

(7) Utilities.

Grading necessary for the installation of public water or public sewer line extensions of other underground utilities shall not by itself cause the requirements of this Section (1318.29) to apply.

(8) HI DISTRICT.

Land located in the HI Heavy Industrial Zoning District (which is more than five hundred (500) feet from an open waterway).

(c) Minimum Lot Area And Maximum Impervious Coverage In Steep Areas.

- (1) The following shall apply whenever one or both of the following, together with the related "construction area", would involve the alteration or disturbance of slopes over 15%:

- ( I) The development of a new principal building or
- ( II) The expansion by over 1,000 square feet in building coverage of an existing principal building which did not exist or have a valid building permit at the time of the effective date of this Section (1318.29):

If the maximum slope within the construction area shall be:	The minimum lot coverage of the lot shall be:	The maximum impervious coverage of the lot shall be:
Over 15% and up to 25%	1 Acre	25%
Over 25% and up to 35%	4 Acres	10%
Over 35%	10 Acres	5%

(d) Maximum Slope Of Driveways

No driveway shall have a maximum slope greater than 15%. The initial twenty (20) feet of a driveway from the cartway of a public street which the driveway enters into shall not exceed 6%.

(e) Maximum Vertical Drop Of Terraces

When terraces or retaining walls are utilized to cope with steep slopes, the maximum vertical drop per terrace shall be five (5) feet. Furthermore, at the discretion of the City Planning Commission, an appropriate fence may be required.

(f) Submittal Requirements

Applicants proposing uses affected by this Section shall provide the following information to the City as part of preliminary subdivision plans for a proposed lot, or on a separate plot plan for an existing lot. Such designated construction area shall be binding upon future owners of each lot unless such applicant then provides a revised site plan that proves to the satisfaction of the City Engineer that a revised construction area location would not cause a larger lot area to be required and would meet all other requirements of this Ordinance.

- ( I) Mapping of slopes within areas proposed to be disturbed, with identification of the following slope intervals, based upon two (2) feet contours, unless the City Engineer pre-approves a different contour interval:

- ( i) Over 15% and up to 25%.
- (ii) Over 25%.



- ( II) Location of proposed construction area.
- ( III) Locations of areas where healthy trees of over six (6) inches in trunk width measured at a height of three (3) feet above the average surrounding ground level and heavy brush growth are to be removed or preserved as a result of the development of the proposed use or structure.

(g) Non-impervious Areas

Areas used to meet the non-impervious area requirements of this Section (1318.29) shall be permanently set aside by deed restrictions which will run with the land and be placed in the Deeds of Conveyance by the applicant to its grantees. The language of such deed restriction shall be in a form acceptable to the City Solicitor.

1318.30 Regulations Applying to Office or Business Related Activities Conducted Wholly Within a Residential Structure in a Residential Zoned District.

(a) Intent

It is the intent of this section to permit, on a limited basis, the conduct of home office or business type activities within a residential structure in a residentially zoned district subject to the following regulations:

- (1) No persons other than the residential lessee or owner occupant or other family members residing in the dwelling unit shall work at or use the property as a meeting place for the purpose of traveling to a work site. There shall be no parking of trailers, construction or landscaping equipment, cement mixers or other similar equipment on the property.
- (2) No signage shall be permitted on the property.
- (3) The residential character of the structure and lot shall be maintained.
- (4) The owner/occupant may not engage in retail sales or conduct scheduled client/customer visits on the premises.
- (5) No structural changes may be made to the dwelling or driveway for the purpose of conducting business or storage of materials related to the business. This shall not prohibit modifications that are solely for residential purposes.

1318.31 Pool Regulations

- (a) All pools placed in a residential zoning district shall meet the front yard setback regulations for a structure; except in the RM and RT districts, where a minimum setback requirement from any street shall be twenty (20')

feet.

- (b) All pools shall be located at least six (6') feet from any side or rear property line.
- (c) Any deck over three (3') feet high and placed adjacent to a pool shall meet the normal building setback requirements of the zoning district in which the pool is placed.

1318.33. B.Y.O.B. Club

The following additional regulations shall apply to B.Y.O.B. Clubs:

- (a) The provisions of Article 736 of the Codified Ordinances of the City of Bethlehem shall apply, including but not limited to, limits on hours of operation and minimum setbacks from residential districts and certain uses.
- (b) A B.Y.O.B. Club that is open after 2 AM is also effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
- (c) A B.Y.O.B. Club shall only be allowed in a zoning district where such use is specifically listed in this Zoning Ordinance as being allowed.

[Section 1318.33 was added by Ordinance No. 4393 on October 6, 2006]

1318.34. Check Cashing Business

The following additional regulations shall apply to Check Cashing Businesses:

- (a) The building area occupied by a Check Cashing Business shall not be located within:
  - (I) 1,000 feet from the closest building area occupied by another Check Cashing Business or
  - (II) 5,000 feet from the lot line of a Licensed Gaming Facility.

[Section 1318.34 was added by Ordinance No. 4393 on October 6, 2006]

1318.35. Pawn Shop

The following additional regulations shall apply to Pawn Shop uses:

- (a) The building area occupied by a Pawn Shop facility shall not be located within:
  - (I) 1,000 feet from the closest building area occupied by another Pawn Shop or

(II) 5,000 feet from the lot line of a Licensed Gaming Facility.

- (b) The Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the City Police upon request.

[Section 1318.35 was added by Ordinance No. 4393 on October 6, 2006]

## ARTICLE 1319

### OFF-STREET PARKING AND LOADING

#### 1319.01 Required Off-Street Parking Space

- (a) Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building which, after the effective date of this Ordinance, is erected, enlarged or altered for any of the following purposes in any district:
- (1) Residences. Except as authorized by the Zoning Hearing Board, the requirements are as follows:
    - ( I) Single family dwellings, two (2) family dwellings, apartments with three (3) or more bedrooms - two (2) parking spaces for each dwelling unit.
    - ( II) Apartments with one or two bedrooms - one and three-quarter (1-3/4) parking spaces for each dwelling unit.
    - ( III) Efficiency apartments - one and one-half (1-1/2) parking spaces for each dwelling unit.
  - (2) Hotels. Two (2) parking spaces for each three (3) sleeping rooms or suites, plus one (1) additional space for each five (5) employees, plus such additional space as required by this parking schedule because of any supplementary parking - generating activities of some hotels, such as bars, ballrooms, night club facilities and the like.
  - (3) Cabins or Motels. One (1) parking space for each sleeping room or suite, plus one (1) additional space for the owner or manager if resident on the premises, plus additional space necessary as in (2) above.
  - (4) Bed and Breakfast Home. Two (2) parking spaces for the single family dwelling and one (1) additional space for each room to be rented.
  - (5) Rooming and Boarding Houses. One (1) parking space for each sleeping room to be occupied by roomers or boarders, plus one (1) space for each dwelling unit on the premises, and plus one (1) additional space for every two (2) persons regularly employed on the premises.
  - (6) Clubhouses and Permanent Meeting Places of Veterans, Business, Civic, Fraternal, Labor and Similar Organizations. One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building, plus one (1) additional space for every two (2) persons regularly employed on the premises.

- (7) Dormitories, Fraternity Houses and Sorority Houses. One (1) parking space for every four (4) beds, plus one (1) additional space for each two (2) employees thereof.
- (8) Hospitals. One (1) parking space for every four (4) patient beds (excluding bassinets), plus three (3) additional spaces for every four (4) staff members or visiting doctors, plus one (1) space for each two (2) employees including nurses normally employed during any shift; loading and unloading space for hospital ambulances and similar vehicles are not included in the spaces required.
- (9) Nursing and Convalescent Homes, Personal Care Centers, and Assisted Living Facilities. One (1) parking space for every four (4) beds plus one off-street parking space for every two (2) employees based on the greatest number of employees during any one shift.

[Section 1319.01(a)(9) was amended by Ordinance No. 4380 on April 19, 2006]

- (10) Medical and Dental Clinics. Three (3) parking spaces for each doctor plus one (1) additional space for every two (2) regular employees.
- (11) Mortuaries or Funeral Parlors. One (1) parking space for each "official" vehicle plus one (1) space for each family resident on the premises plus one (1) additional space for each two (2) employees (other than resident on the premises), plus one (1) space for each fifty (50) square feet of floor area in the viewing rooms, slumber rooms, parlors, or individual funeral service rooms.
- (12) Welfare Institutions, Such as Asylums, Elderly Housing, Orphanages. Three (3) parking spaces for every four (4) staff members or visiting doctors, plus one (1) space for every three (3) employees normally employed during any shift, plus (a) one (1) space for every one thousand (1,000) square feet of gross floor area in asylums or orphanages, or (b) one and one-half (1-1/2) spaces for every ten (10) dwelling units in elderly housing.
- (13) Libraries, Museums, Visitor Centers, Post Offices, Civic Centers and Similar Establishments. Parking or storage space for all vehicles used directly in the operation of such establishment plus four (4) parking spaces for the first one thousand (1,000) square feet of total floor area and one (1) additional space for every additional two hundred fifty (250) square feet of floor area.

[Section 1319.01(a)(13) was amended by Ordinance No. 4313 on March 1, 2005]

- (14) Convention Halls, Gymnasiums, Race Tracks, Skating Rinks, Stadiums, Sports Arenas, Auditoriums, Theaters, Churches and Similar Uses. One (1) parking space for every four (4) persons who may legally be admitted therein at one time under the State Fire Prevention Laws.

- (15) Bowling Alleys. Three (3) parking spaces for each alley, plus additional spaces equal in number to at least sixty (60) percent of the number of employees.
- (16) Schools. One (1) parking space for each two (2) employees including teachers and administrators, plus off-street space for the safe and convenient loading and unloading of students, plus additional facilities for student parking at the high school level of one hundred (100) spaces.
- (17) Universities, Colleges, Academies, and Similar Institutions of Higher Learning. One (1) parking space for every two (2) persons regularly employed at the institution, plus one (1) space for each ten (10) classroom seats, plus additional space as required by this parking schedule because of any supplementary parking generating activities at the institution.
- (18) Office, Professional or Public Buildings. One (1) parking space for each two (2) employees.
- (19) Transportation Terminals. One (1) parking space for every one hundred (100) square feet of waiting room space plus one (1) additional space for every two (2) persons regularly employed on the premises.
- (20) Restaurants, Night Clubs, Tea Rooms, Lunch Counters or the Like. One (1) parking space for each three (3) employees, plus one (1) space for every four (4) seats for customers.
- (21) Roadside Stands, Car Washes, or other Roadside Service Establishments. One (1) parking space for each employee plus additional spaces or equivalent standing area for customer-motorists in the ratio of one (1) space for every fifty (50) lineal feet of road frontage.
- (22) Indoor Retail Businesses. Parking or storage space for all vehicles used directly in the conduct of such business plus four (4) parking spaces for the first one thousand (1,000) square feet of total floor area and one (1) additional space for every additional two hundred and fifty (250) square feet of floor area.
- (23) Shopping Centers. Five and one-half (5-1/2) parking spaces for every one thousand (1,000) square feet of gross floor area. In an enclosed shopping mall, however, that floor area which is used exclusively for pedestrian traffic and which is not within the area specifically assigned to a particular store, may be excluded from the gross floor area computation.
- (24) Repair Shops, Plumbing Shops, Electrical Shops, Roofing Shops, Public Garages, and Other Service Establishments. Parking or storage space for all vehicles used directly in the conduct of the business plus two (2) parking spaces for each person regularly employed on the premises.

- (25) Self-Service Laundries. One (1) parking space for every four (4) washing machines.
- (26) Outdoor Retail Businesses. Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed.
- (27) Service Stations. Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) service space for each gas pump, three (3) spaces for each grease rack or similar facility and one (1) space for every two (2) persons employed on the premises at maximum employment on a single shift.
- (28) General Business, Commercial, and Personal Service Establishments Not Specifically Covered Herein. One (1) parking space for every one hundred fifty (150) square feet of sales area, or two (2) parking spaces for each employee, whichever is greater.
- (29) Industrial or Manufacturing Establishment. One (1) parking space for each four (4) employees (based upon the maximum number employed at any one shift), plus one (1) parking space for each one thousand (1,000) square feet of gross floor area in the buildings for use by visitors to the building or buildings.
- (30) Warehouses, Freight Terminals and Trucking Terminals. Parking or storage space for all vehicles used directly in the conduct of such business, plus two (2) parking spaces for each person regularly employed on the premises.
- (31) Wholesale Businesses. Parking or storage space for all vehicles used directly in the conduct of such business, plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment.
- (32) No parking of vehicles shall be permitted in the front of a line fifty (50) feet back from the property line. This restriction shall be applicable to Planned Industrial Districts only.
- (33) Residential Retirement Complex. One-half (.5) parking space for each dwelling unit and one (1) space per employee of the complex during a maximum shift.
- (34) Licensed Gaming Facilities. Parking spaces shall be required based upon the following schedule:
  - (1) Twelve (12) spaces per one thousand (1,000) square feet of gross floor area of a Licensed Gaming Facility for the initial forty thousand (40,000) square feet of Licensed Gaming Facility gross floor area.
  - (2) Six (6) spaces per one thousand (1,000) square feet of gross floor area of a Licensed Gaming Facility for the next sixty

thousand (60,000) square feet of Licensed Gaming Facility gross floor area.

(3) Three (3) spaces per one thousand (1,000) square feet of gross floor area of a Licensed Gaming Facility for any gross floor area of Licensed Gaming Facility over the first one hundred thousand (100,000) square feet.

[Section 1319.01(a)(34) was added by Ordinance No. 4393 on October 6, 2006]

(35) Adult-Oriented Establishment or Massage Parlor. One parking space for every 50 square feet of building floor area that is accessible to customers.

[Section 1319.01(a)(34) was added by Ordinance No. 4393 on October 6, 2006]

1319.02 General Regulations Applying to Required Off-Street Parking Facilities

- (a) Existing Parking. Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- (b) Change in Requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of Section 1319.01, the total additional parking required for the alteration, change or extension shall be provided within 120 days in accordance with the requirements of that section.
- (c) Conflict with other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- (d) Continuing Character of Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors, controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article.  
Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, or hazard, or unreasonable impediment to traffic.
- (e) Joint Use.
  - (1) Two (2) or more uses may provide for required parking in a common



parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by approval by the Planning Commission if it can be demonstrated to the Commission that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

- (f) Fractional Spaces. Where the computation of required parking space results in a fractional number, any fraction of the next higher number shall be counted as one (1).
- (g) Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served.
- (h) Maintenance of Parking Area. For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with a dustless, durable, all-weather pavement parking surface, and drained to the satisfaction of the City Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.
- (i) Lighting. All parking areas and driveways serving commercial uses shall be adequately illuminated during the hours of use between sunset and sunrise.
- (j) Shade Trees. Off-street parking areas which provide parking for twenty (20) or more vehicles shall be provided with shade trees of a type and size approved by the Shade Tree Commission. The shade trees shall be located in a planned manner within the parking lot area.
- (k) Access to a non-residential use and its related off-street parking shall be from a street where over fifty (50) percent of the frontage on both sides of a street is non-residential in use.

1319.03

#### Design Standards

The design standards specified below shall be required for all off-street parking facilities with a capacity of five (5) or more vehicles built after the effective date of this Ordinance.

- (a) The minimum dimensions of stalls and aisles shall be as follows:
  - (1) Stall width shall be at least nine (9) feet.
  - (2) Stall depth shall be at least nineteen (19) feet with said dimensions measured on the angle for all angle parking and twenty-two (22) feet for parallel parking.
  - (3) Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of the parking shall be:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	12 feet
30 Degree	12 feet
45 Degree	14 feet
60 Degree	18 feet
90 Degree	20 feet

- (4) Minimum width of aisles providing access to stalls for two-way traffic shall be twenty-five (25) feet.
- (b) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- (c) The width of entrance and exit drives shall be:
- (1) A maximum of fifteen (15) feet at the curb line for one-way use only.
  - (2) A maximum of twenty-five (25) feet at the curb line for two-way use.
- (d) Where there is an intersection of two (2) streets, an entrance or exit drive shall be a minimum of twenty-five (25) feet from the intersection of the street line as defined by this Code.
- (e) In no case shall parking areas for five (5) or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.
- (f) All parking spaces and access drives placed on or adjacent to a property located in any Residential, Institutional, Limited Commercial, or Planned Industrial Zoning District, shall be located at least ten (10) feet from any property line which is not also a street line.
- (g) All parking spaces shall be separated from the street curb line by a concrete curb, planting strip (where appropriate) and sidewalk all built to City Specifications. Properties located in or across the street from a Residential, Institutional, Limited Commercial or Planned Industrial Zoning District shall add a three (3) foot buffer yard between the street line and parking area, except that, if approved by the Department of Public Works, the buffer yard may protrude into the street right-of-way. Parking areas shall be equipped with adequate barriers, such as tire bumpers, to prevent vehicles from projecting beyond the designated parking area.
- (h) In any parking area of five (5) or more spaces in a Residential District or abutting a Residential District, all spaces not within a building shall be provided with a suitable fence, wall or evergreen planting at least four (4) feet in height, designed to screen noise, odors, visibility and headlight glare, and located between such parking spaces and any lot in a Residential District that abuts directly or across a street.
- (i) All artificial lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property.

- (j) No commercial vehicle exceeding two (2) tons may be stored on a residential lot. Only one (1) commercial vehicle of less than two (2) tons capacity may be stored on a residential lot.

1319.04

Off-Street Loading

Every building or structure having over one thousand (1,000) square feet of gross floor area used for the retail sale, display, storage, manufacture, preparation, and/or distribution of foods, merchandise, or materials or any other uses involved in large volume receipt and distribution by vehicles of merchandise and materials shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a street.

Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.

Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. At least the following off-street loading and unloading space requirements for specific uses shall be provided:

- (a) Retail Business and Service Establishments. One (1) off-street loading and unloading space at least twelve (12) feet by thirty-five (35) feet for the first three thousand (3,000) square feet of floor area, provided that in computing said area requirements contiguous establishments may be considered as a single unit.

Additional floor area shall require at least one (1) additional space. More than two (2) spaces shall be required at the discretion of the proper authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.

- (b) Industrial Plants. One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for the first ten thousand (10,000) square feet of floor area. Fourteen thousand (14,000) or more square feet of floor area shall require two (2) spaces. More than two (2) spaces shall be required at the discretion of the proper authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.
- (c) Warehouses and Wholesale Storage Facilities. One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for the first seventy-five hundred (7,500) square feet of floor area. Twelve thousand (12,000) or more square feet of floor area shall require two (2) spaces. More than two (2) spaces shall be required at the discretion of the proper authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.
- (d) Freight Terminals and Trucking Terminals. One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for the first five thousand (5,000) square feet of building area. Eight thousand (8,000) or

more square feet of building area shall require two (2) spaces. More than two (2) spaces shall be required at the discretion of the proper authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.

1319.05

Design and Layout of Off-Street Loading Facilities

- (a) Off-street loading facilities shall be designed to conform to the following specifications:
  - (1) Each required space shall be no less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, exclusive of drives and maneuvering space, and located entirely on the lot being served.
  - (2) There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
  - (3) The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet.
  - (4) All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the City Engineer, to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways.
  - (5) Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, or a hazard or unreasonable impediment to traffic.
  - (6) The screening and lighting requirements of Section 1319.03(h) and (i) shall be met when applicable.
- (b) All required loading facilities shall be provided and maintained in accordance with the following requirements:
  - (1) They shall be provided and maintained so long as the use exists which the facilities were designed to serve.
  - (2) They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Article.
  - (3) Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pick-up vehicles that they are designed to serve.

## ARTICLE 1320

### SIGNS

#### 1320.01 Purpose

This Article recognizes that although signs perform an important function by identifying residences and businesses, minimum control of signs is necessary to promote the health, safety and general welfare: by lessening hazards to pedestrian and vehicular traffic; by preserving property values; by preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses; by preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned; and by securing certain fundamentals of design for the City.

#### 1320.02 Definition of Sign

Sign shall mean and include any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface that shall display or include any letter, word insignia, flag, or representation used as, or which is the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye, or bring the subject to the attention of the public. Flags of any governmental unit or branch or of any charitable or religious organizations, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a wall of a building are excluded.

#### 1320.03 Location of Signs

- (a) On-Premises Sign - A sign which directs attention to a person, business, profession, occupation or activity conducted on the same lot.
- (b) Off-Premises Sign - A sign which directs attention to a person, business, profession, product, home occupation or activity not conducted on the same lot.

#### 1320.04 Types of Signs

- (a) Free Standing Signs - A self-supporting sign resting or supported by means of poles or standards on the ground.
- (b) Parallel Sign - A sign mounted parallel to a wall or other vertical building surface.
- (c) Window Sign - A temporary or permanent sign which is oriented to the public right-of-way, is legible to persons in vehicles, and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.
- (d) Projecting Sign - Any sign mounted to a wall or other vertical building surface other than a parallel sign.

- (e) Roof Sign - A sign erected upon or above the roof or parapet of a building.
- (f) Animated Sign - A sign with action or motion with moving characters or changing colors which require electrical energy, but not including wind actuated elements, such as flags or banners. This definition does not include public service signs, such as time and temperature signs.
- (g) Directly Illuminated Sign - A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including, but not limited to, neon and exposed lamp signs.
- (h) Indirectly Illuminated Sign - A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.
- (i) Flashing and Moving Sign - An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use. Illuminated signs which indicate the time, temperature, date or other public service information shall not be considered flashing signs.

[Section 1320.04(i) was amended by Ordinance No. 4192 on May 21, 2003]

- (j) Sidewalk or Sandwich Board Sign - A freestanding, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way.
- (k) Awning Sign – A sign that is mounted or printed on, or attached to, an awning, canopy or marquee, provided, however, that the sign does not project above, below or beyond the awning, canopy or marquee.

1320.05 Area of Signs

- (a) The area of a sign shall be construed to include all lettering, working, and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (b) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, awning, or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.
- (c) In computing square foot area of a double-face sign, only one side shall be considered provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

1320.06 Permit Requirements for Signs

All on-premises signs over six (6) square feet in area, all projecting signs extending into the public right of way, and all off-premises signs regardless of size shall require the issuance of a zoning and building permit before erection or replacement. All signs must comply with all of the regulations contained herein, regardless of whether a permit is required. No permit shall be required for a mere change of copy on a sign. The repainting of an existing sign does not require a permit as long as there is no change to size or location of the sign proposed and as long as the sign is for an already permitted use.

1320.07 General Sign Regulations

The following requirements shall apply to all signs:

- (a) Signs may be illuminated by direct lighting but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No floor or spot lights shall be mounted higher than twenty-five (25) feet above ground level.
- (b) No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveway, through confusion with a traffic control device (by reason of color, location, shape or other characteristic), or through any other means. No sign shall violate the corner visibility restrictions in Section 1318.06.
- (c) All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Electrical signs shall be subject to the performance criteria of the Underwriters Laboratory, Incorporated and to annual inspection by the City Electrical Inspector.
- (d) Signs existing at the time of passage of this Ordinance which do not conform to the requirements of the Ordinance shall be considered non-conforming signs. However, non-conforming signs may be repainted, repaired (including lighting) or replaced provided such repainted, repaired or replaced signs do not exceed the dimensions of the existing sign. Copy may also be changed. Non-conforming signs, once removed for a period of ninety (90) days, may be replaced only with signs which conform to provisions of this Ordinance.
- (e) If an establishment has walls fronting on two (2) or more streets, the sign area for each street may be computed separately.
- (f) No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices shall be allowed within street lines unless specifically authorized by other ordinances and regulations of the City.
- (g) No sign except such directional devices as may be required by the Federal Aviation Authority, shall be placed, inscribed or supported upon the roof or upon any structure which extends above the roof of any building.

- (h) Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose but becomes a primary purpose in itself shall be considered a free-standing sign and as such be subject to the provisions regarding free-standing signs in the district in which such vehicle is located.
- (i) No off premise sign shall be established nearer than one hundred (100) feet to a Residential District unless the advertisement surface of such sign is not visible therefrom.
- (j) Flashing, blinking, mechanically moving, twinkling or animated signs of any type are prohibited. This provision shall not restrict signs with electronically changing messages that do not flash such as time, temperature and other informational signs.
- (k) Setbacks. No free-standing sign in other than a Residential or Institutional District shall extend within twenty-five (25) feet of any Residential or Institutional District boundary line. No sign shall be located within any required clear sight triangle. All signs shall comply with the required setbacks of the zoning district in which it is located unless otherwise specified in this section.
- (l) Only one (1) on-premises sign with a maximum area of one hundred (100) square feet may be erected which faces or is primarily intended to be visible from an Interstate Highway, Limited Access Highway, Parkway or Expressway. No off-premises signs shall be erected which face or are primarily intended to be visible from an Interstate Highway, Limited Access Highway, Parkway or Expressway.
- (m) Temporary Signs. Temporary uses that are permitted by the zoning officer and the Bureau of Code Enforcement shall be permitted to erect temporary signs on the same lot as the temporary use provided that they comply with all requirements of this ordinance and that they are removed from the lot when the temporary use is no longer in operation or is no longer permitted on the lot.
- (n) Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, and shall not project more than fifteen (15) inches from its surface.
- (o) Projecting signs shall not project more than three and one-half (3 1/2) feet from the wall or surface to which they are mounted nor in any way shall they interfere with normal pedestrian or vehicular traffic.
- (p) Banner Signs. Banner shall be permitted on non-residential properties in business or industrial districts provided they comply with the following regulations:
  - (1) Banners shall be properly secured to a building or suspended from some part of a building.
  - (2) Banners shall not exceed 64 square feet in area.



- (3) A permit is required for banner signs.
  - (4) Banner signs are only permitted for two periods of 15-day periods during any calendar year. The banners must promptly be removed at the end of the 15-day period.
  - (5) If a banner sign is to be erected in the historic district or conservation district the appropriate review board and city council must approve signs prior to their erection.
- (q) Promotional Devices. A promotional device may include, but is not limited to, balloons, flags, streamers or other figures tethered to the ground or a building intended for the purpose of advertising a business, event or product. Promotional devices are only permitted on a non-residential property in a commercial or industrial district with the following provisions:
- (1) The devices are permitted for a maximum period of 3 days for a maximum of 4 times per year.
  - (2) No promotional devices shall be higher than the roofline of the main building.
  - (3) The devices shall be properly secured.
  - (4) The devices shall comply with all other ordinance provisions, including clear sight distance.
- (r) A permit is not required for signs that are not readable from a public right of way or an adjoining property.

1320.08

Signs Permitted in Residential and Institutional Districts

No sign shall be permitted except as follows:

- (a) On-Premises Signs.
- (1) Official traffic signs and other official Federal, State, County and City governmental signs.
  - (2) Signs displaying only the name and address of the occupant of the premises provided that the area of any such sign shall not exceed one (1) square foot and not more than one (1) such sign shall be erected for each occupant of a premises, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.
  - (3) Freestanding signs for permitted non-residential uses provided that the area of any such sign shall not exceed eight (8) square feet. In the R-T Residential District, signs which shall not exceed four (4) square feet for a tourist home and boarding house and six (6) square feet for motor vehicle parking lots may be erected on any lot where such use exists. Not more than one (1) such sign shall be placed on each street frontage. If a permitted non-residential building is located on an arterial street then the sign may be up to sixteen (16) square feet. In lieu of a freestanding sign a permitted

non-residential use may have a sandwich board sign provided that it meets all of the requirements of Section 1320.09(c).

- (4) Signs advertising the sale, lease or rental of property, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case, one (1) such sign may be erected on each street frontage. All signs shall be removed within seven (7) days after an agreement of sale or rental has been entered into. In addition to the foregoing, one (1) open house sign shall be permitted subject to the five (5) conditions listed under 1320.08(b)(3). Two (2) off premises signs shall also be permitted as stated in 1320.08(b)(3).
- (5) Trespassing signs, signs indicating the private nature of a road, driveway, or premises, provided that the area of any such sign shall not exceed two (2) square feet.
- (6) Temporary signs erected in connection with the development or proposed development of the premises by a builder, contractor, developer or other persons interested in such sale or development, provided that the aggregate area of the signs shall not exceed one hundred (100) square feet. Such signs shall be removed within twenty (20) days after the last structure has been initially occupied. Where a real estate developer is engaged in selling lots only, then temporary signs advertising the sale of lots in the subdivision shall be permitted during the initial period of the development project, which period shall commence with the recording date of the subdivision map and shall end twelve (12) months thereafter. The permit for such signs may be renewed at the end of each twelve (12) month period.
- (7) Temporary signs of mechanics or artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that such signs shall be removed upon completion of work by the mechanic or artisan, and the total areas of all such signs shall not exceed twenty (20) square feet.
- (8) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization shall not exceed twenty (20) square feet in area and shall be removed immediately upon completion of the campaign, drive, or event.
- (9) Signs for identification of permitted home occupation or home professional office uses, provided that the area of any such sign shall not exceed two (2) square feet. However, the aggregate square footage of signs erected under 1320.08(a)(2) and this Section shall not exceed two (2) square feet. Such signs exceeding a total of one (1) square foot in size shall have to meet the front yard setback requirements of this Ordinance.
- (10) Apartment developments may have one (1) sign, one (1) square

foot in area, for each dwelling unit in the development up to a maximum of twenty (20) square feet. If the development fronts on more than one (1) street, there may be one (1) such sign for each street frontage.

- (11) Parallel and projecting signs for permitted non-conforming uses, also subject to the provisions of Section 1320.07.
  - ( I) Signs attached to the main wall of a principal building shall not project more than three and one-half (3-1/2) feet therefrom and no portion shall be less than eight (8) feet above the basic grade and no more than twenty-five (25) feet above grade. Such signs shall not exceed twenty-two and one-half (22-1/2) square feet.
  - ( II) The total area of all signs shall not exceed twelve and one-half (12-1/2) percent of the area of the building face (including window and door area and cornices) to which they are attached. In no case, however, shall the total area of all wall and projecting signs exceed fifty (50) square feet.
  - ( III) Permanent window signs shall be considered parallel signs and included in this computation, but shall nevertheless not exceed twenty (20) percent of the total window area on each street.
  - ( IV) Such signs shall conform to the setback regulations for a non-residential use in the district.
- (12) No sign identifying a home professional office shall be illuminated between the hours of 10:00 P.M. and 9:00 A.M.
- (13) Freestanding signs for any use specified in Article 1309 (I-Institutional District) but located in a Residential District, may contain one (1) square foot in area for each ten (10) feet of lot frontage in a City street of at least forty (40) feet in width. The total area of all signs for such uses shall not exceed forty (40) square feet. All signs illuminated indirectly from artificial sources shall be so arranged so that no direct rays of light are projected from such artificial source into residential properties or onto public streets. Any illuminated or indirectly illuminated sign that is used for advertising or identification of a permitted non-residential use, may only be illuminated during the hours in which such use is in operation. Both sides of a double-faced sign shall be considered when computing the area of such signs for the above uses. The total of all wall and projecting signs shall be a maximum of forty (40) square feet.
- (14) Signs for institutional uses in an Institutional District may contain one (1) square foot in area for each ten (10) feet of lot frontage on a City street of at least forty (40) feet in width. The total area of all signs for such uses shall not exceed forty (40) square feet.

(b) Off-Premises Signs.

- (1) Signs directing patrons, members, or audiences to temporary exhibits, shows, or events located in the City and signs erected in conjunction with a political election, subject to the following requirements:
  - ( I) No such sign shall exceed eight (8) square feet in area.
  - ( II) Signs shall be removed within one (1) week after the date of the exhibit, show or election.
  - ( III) No permit shall be issued for the erection of such signs until a deposit shall be made with the Zoning Officer in accordance with a fee schedule adopted by City Council to guarantee removal within the time prescribed. Failure to remove such signs within the time prescribed shall result in forfeiture of the deposit.
  - ( IV) No such sign shall be posted earlier than three (3) weeks before the occurrence of the event to which it relates with the exception of political signs which shall be posted not earlier than one (1) month prior to an election.
  - ( V) No such sign shall impede the safety of traffic or pedestrians.
- (2) Signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings at railroad crossings, and other official signs which are similarly authorized or erected by a duly constituted governmental body.
- (3) The placement of signs directing persons to the sale, lease, or rental of property shall be permitted, with the written approval of the owner of the property on which the sign is to be placed, subject to the following conditions:
  - ( I) The signs shall only be permitted on Saturdays, Sundays, and Holidays.
  - ( II) No sign shall exceed six (6) square feet.
  - ( III) No sign shall be posted earlier than 8:00 A.M. on the day that it is displayed.
  - ( IV) Signs shall be removed before 7:00 P.M. each day.
  - ( V) No sign shall impede the safety of traffic or pedestrians.

1320.09

Signs Permitted in the Commercial Districts

No sign shall be permitted except as follows:

(a) On-Premises Signs.

- (1) All signs permitted in Section 1320.08(a) at the standards prescribed therein except as otherwise provided in this Section and in Section 1320.07.
- (2) Parallel and projecting signs, providing:
  - ( I) Signs attached to a main wall of a principal building shall not project more than three and one-half (3-1/2) feet therefrom and that no portion shall be less than eight (8) feet above the basic grade and no more than twenty-five (25) feet above grade. If not projecting more than three (3) inches from a wall of a building, the sign need not conform to the height limits.
  - ( II) The total area of all signs shall not exceed twenty (20) percent of the area of the exterior building face (including window and door area and cornices) to which they are attached. In no case, however, shall the total area of all signs exceed two hundred (200) square feet.

[Section 1320.09(a)(2)(II) was amended by Ordinance No. 4218 on October 22, 2003]

- ( III) Permanent window signs shall be considered parallel signs and included in this computation but shall nevertheless not exceed forty (40) percent of the total window area on each street.
  - ( IV) In the case of a Shopping Center or Commercial Recreation District the provisions of this Section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, or similar use in percentage of exterior building face, but not in square feet. All signs shall conform to an overall scheme or arrangement design which shall be subject to approval or disapproval by the City Planning Commission. Sign materials, lighting, position on the building, and size, shall all be specified in such approval. If the Shopping Center or Commercial Recreation District shall contain a mall area, each entrance to the mall may be designated by a sign no wider than the entrance, and at a height to be determined by the City Planning Commission.
  - ( V) An awning sign is permitted provided that the awning complies with the requirements of the building code, the awning is at least seven (7) feet above ground level, and the size of the sign portion of the awning does not exceed the total area for parallel and projecting signs as noted above.
- (3) Free Standing Signs.

- ( I) Shall be limited to one (1) except for an establishment which fronts on two (2) or more streets, in which case a sign may be erected in each yard fronting on a street.
- ( II) No free standing signs shall be located within the clear sight triangle. No portion of any sign shall be more than twenty-five (25) feet above the ground, except such signs as described in (IV) and (V).
- ( III) The area of any free standing sign except such signs as described in (IV) and (V) below, shall not exceed one (1) square foot for each two (2) feet of lineal lot frontage or fifty (50) square feet, whichever is smaller.
- ( IV) No sign shall be located beyond the rear or side wall of the main building when the rear or side property line on which it is situated abuts a Residential or Institutional District, except signs that convey information such as parking, entrances and traffic flow directions. The area of one (1) side of any such sign shall not exceed eight (8) square feet. The name of the business located on the premises may appear on such signs.
- ( V) No portion of a Shopping Center or Commercial Recreation Center free standing sign shall be more than forty (40) feet above the ground. The area of any one side of such sign shall not exceed one hundred fifty (150) square feet. The location or orientation of such sign shall be shown on the development plan.
- ( VI) In the case of a Shopping Center or Commercial Recreation District, the number of its free standing signs shall be according to the following schedule: Parking facilities from 100 to 500 cars - one free standing signs shall be allowed. For every additional increment of 500 parking spaces, one (1) additional free standing sign is permitted. At no time shall there be more than four (4) free standing signs per Shopping Center or Recreation Center.
- (VII) In the case of a group of business uses other than a Shopping Center, on a lot held in single and separate ownership, a single free standing sign including individual signs identifying different establishments, may be erected on a common backing provided that the total area of one (1) side of the sign does not exceed one hundred (100) square feet. The structural backing for all such signs shall be uniform and no sign may extend, in any direction, beyond the outside edge of the backing. No portion of any such backing shall be less than five (5) feet or more than twelve (12) feet above the ground.

(b) Off-Premises Signs

- (1) All signs permitted in Section 1320.08(b) at the standards prescribed therein except as otherwise provided in this Section.
  - (2) Only such directional devices as may be required by the Federal Aviation Authority shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the roof of any building.
  - (3) Signs for permitted non-residential uses provided:
    - ( I) All parallel and projecting signs shall not exceed two (2) square feet for each foot of length of that portion of such wall which is devoted to such establishment or one hundred (100) square feet, whichever is smaller. Said signs are permitted on a side or rear wall only if such wall abuts a street, driveway, or parking area. No sign shall be more than twenty-five (25) feet above the basic grade.
    - ( II) Free standing signs shall not exceed one (1) square foot of sign area for each two (2) feet of lot frontage or one hundred (100) square feet, whichever is smaller. Not more than one (1) such sign shall be placed on property in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. No sign shall be more than twenty-five (25) feet above the basic grade. No sign shall be located beyond the side property line upon which it is situated where it abuts a Residential District.
- (c) Sidewalk or Sandwich Board Signs – Sidewalk and Sandwich Board Signs are permitted in all Commercial zoning districts provided that they meet the following provisions:
- (1) No more than one (1) sign may be permitted per building.
  - (2) Sandwich boards or sidewalk signs shall not exceed twenty-four (24) inches in width and thirty-six (36) inches in height. A minimum unobstructed sidewalk width of five (5) feet shall be maintained.
  - (3) No sign shall be placed in the clear sight triangle.
  - (4) The sign may only be displayed during business hours; otherwise, signs must be removed from the sidewalk area.
  - (5) Such signs may not have any moving parts, flags, banners, balloons, or other attachments and may not be illuminated, directly or indirectly.
  - (6) If such signs are proposed to be located in the historic district or the conservation district, the sign must be reviewed and approved by the appropriate boards and city council for a Certificate of

Appropriateness prior to issuance of a permit.

- (7) Such signs shall be constructed of durable material and be appropriately weighted to provide stability.
- (8) An encroachment permit is required from the Public Works Department for each sandwich board or sidewalk sign located in the public right of way prior to the issuance of a sign permit.

1320.10 Signs Permitted in Industrial Districts

(a) On-Premises Signs

(1) All signs permitted in Section 1320.09 at the standards prescribed therein except as otherwise provided in this Section and in Section 1320.07.

(2) Signs for permitted uses provided:

( I) All parallel and projecting signs shall not exceed two (2) square feet for each foot of length of the front building wall or length of that portion of such wall which is devoted to such establishment or three hundred seventy-five (375) square feet, whichever is smaller. Said signs are permitted on a side or rear wall only if such wall abuts a street, driveway or parking area. No sign shall be more than twenty-five (25) feet above the basic grade nor shall be closer than one hundred (100) feet to a residential area.

( II) Free standing signs shall not exceed one (1) square foot of sign area for each two (2) feet of lot frontage or three hundred seventy-five (375) square feet, whichever is smaller. Not more than one (1) such sign shall be placed on a property unless it fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage. In addition one (1) free standing sign, indicating the name of an industrial park and the industries within may be erected along each highway on which the park fronts. The location and design of such signs shall be subject to review and approval by the Planning Commission.

(3) No sign shall project higher than the roof line. No sign shall be located beyond the rear or side wall of the main building when the rear or side property line upon which it is situated abuts a Residential District.

(b) Off-Premises Signs

(1) All signs permitted in Section 1320.09(b) at the standards prescribed therein.

(c) The following requirements shall apply in the case of the Planned Industrial District:



- (1) One sign indicating the name of the industrial park and the industries therein may be erected along each highway on which the P-I District fronts. Such sign may be free standing or attached to a wall or fence. Plans showing the proposed location and design of such sign shall be subject to approval by the Planning Commission.
- (2) Identification signs for individual industries shall be permanently attached to the building and shall preferably be part of the architectural design of a building. One (1) sign may be placed on the front, sides, or rear of a building or on all sides, provided the area conforms with the formula established in (a)(2)(I) above.

One free standing sign is permitted per property unless it fronts on more than one street, in which case one such sign may be erected on each street frontage. The sign shall not exceed the area derived from the formula established in (a)(2)(II) above and must remain at least ten (10) feet from the property line. The sign may not exceed twenty-five (25) feet in height.

- (3) A temporary sign not to exceed one hundred fifty (150) square feet may be erected during construction within the rear half of required yards facing upon streets. The purpose of such a sign is to identify the industry which will occupy the lot and the organizations or persons concerned with its construction. A temporary use permit shall be obtained from the office of the Bureau of Inspections. Temporary signs shall be removed within thirty (30) days following completion of construction.

## ARTICLE 1321

### SITE PLAN REVIEW

#### 1321.01 Purpose

This Article requires that the issuance of any zoning-building permit for any building or use of land specified in Article 1322 or 1325 shall be subject to site plan review and approval or disapproval by the Planning Commission or the Zoning Board as appropriate. This provision is set forth because of the aesthetic, traffic and overall land use impact that these land uses make on a community. The following requirements shall be adhered to in carrying out the purpose of this Article.

#### 1321.02 Procedure

- (a) All applicants shall submit eight (8) sets of schematic or final site plans to the Zoning Officer when making application for a zoning permit. The following information shall be included:
- (1) A statement as to the proposed use of the building or land.
  - (2) A site layout drawn to a scale of not less than one (1) inch equals fifty (50) feet showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  - (3) The location, dimensions, and arrangements of all open spaces and yards and buffer yards including methods to be employed for screening.
  - (4) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
  - (5) The dimensions, location, and methods of illumination for signs if applicable.
  - (6) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
  - (7) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
  - (8) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per square foot of land.
  - (9) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing

noise, glare, air pollution, fire hazards, traffic congestion, or other safety hazards.

- (10) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
  - (11) Any other data deemed necessary by the Zoning Officer to enable him to determine the compliance of the proposed development with the terms of this Ordinance.
- (b) For proposals which fall under the categories in Article 1322, the Zoning Officer shall, within five (5) working days of site plan submission, submit eight (8) copies of said plans, together with his preliminary written report thereon to the City Planning Commission. The City Planning Commission shall review the plans submitted under this Section for overall conformance to the Site Plan Review criteria of Section 1321.03.
  - (c) The City Planning Commission, shall, within thirty (30) days of receipt of said site plans and report from the Zoning Officer, approve or disapprove the proposed development. If disapproved, the reasons for disapproval shall be clearly stated on one copy of the submission and returned to the applicant. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the City Planning Commission is obtained. Approval may be made conditional upon the applicant's adoption of specified changes in the submission.
  - (d) The absence of action on the part of the City Planning Commission within the specified time shall constitute approval of the site plan, and the Zoning Officer shall proceed on the basis of such approval provided all other requirements of this Ordinance are met.
  - (e) For proposals which fall under the categories in Article 1325, the Zoning Officer shall, within thirty (30) days of site plan submission, submit the plan to the Zoning Hearing Board for review and approval or disapproval.
  - (f) The Zoning Hearing Board shall, within sixty (60) days of receipt of said site plans and report from the Zoning Officer, approve or disapprove the proposed development. If disapproved, the reasons for disapproval shall be clearly stated on one copy of the submission and returned to the applicant. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Zoning Hearing Board is obtained. Approval may be made conditional upon the applicant's adoption of specified changes in the submission.
  - (g) The absence of action on the part of the Zoning Hearing Board within the specified time shall constitute approval of the site plan, and the Zoning Officer shall proceed on the basis of such approval provided all other requirements of this Ordinance are met.
  - (h) Site plan approval shall not relieve the applicant from any other provision of this Ordinance, nor shall such approval constitute a recommendation of any zoning variance or other relief that the applicant may thereafter seek from

the Zoning Hearing Board.

1321.03

Site Plan Review Criteria

The Zoning Hearing Board or City Planning Commission shall use the following criteria when reviewing all site plans:

- (a) Preservation of Natural Features. Insofar as practicable, natural features on the site shall be preserved.
- (b) Building Arrangement. Elements of the site plan shall be harmoniously and efficiently organized in relation to existing desirable trees, topography, views within and beyond the site, the size and shape of the site, the character of adjoining property and the size of the buildings.
- (c) Access, Parking and Circulation. With respect to vehicular and pedestrian circulation, special attention shall be given to location and number of access points to public streets, width of interior drives and access points, on-site circulation, separation of pedestrian and vehicular traffic, and arrangement and location of parking areas. The need for adequate signalization, channelization, and other traffic control measures shall be given consideration.
- (d) Storm Water Drainage. Requirements under this section shall be as stipulated under Article 925.
- (e) Utilities. Electric and telephone lines shall be underground where practicable. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
- (f) Special Features. Setbacks, buffer yard and other screening methods shall be carefully considered to minimize the visual effect of exposed storage area, exposed machinery installations, service areas, truck loading area, utility buildings and structures, and similar accessory areas and structures.

## ARTICLE 1322

### USES GRANTED UNDER SPECIAL CONDITIONS

#### 1322.01 Purpose

This Article requires that the issuance of any zoning-building permit for any building or use of land requiring review by the City Planning Commission, as listed elsewhere in this Ordinance or below, shall be subject to site plan review and approval or disapproval by the City Planning Commission. This provision is set forth because of the considerable aesthetic, traffic, and overall land use impact that these land uses make on a community. The following requirements shall be adhered to in carrying out the purpose of this Article.

#### 1322.02 Procedure

- (a) The site plan review procedure set forth in Section 1321.02 shall be followed.

#### 1322.03 Court Appeals

Any person or persons, jointly or severally, aggrieved by any decision of the City Planning Commission may present to the Court of Common Pleas of Lehigh County and Northampton County, a petition duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition must be presented to the Court within thirty (30) days after the decision by the City Planning Commission.

#### 1322.04 Special Conditions for Conditional Uses

The City Planning Commission shall approve any conditional use proposed if it finds adequate evidence that the use meets all the applicable requirements indicated below, complies with the Site Plan Review Criteria set forth in Section 1321.03 and complies with other applicable provisions of this Ordinance.

- (a) Airport. All airport construction shall be subject to review and approval by appropriate Federal and State agencies.
- (b) Community Center. The following minimum requirements shall be met:
  - (1) There shall be a one (1) acre minimum lot size.
  - (2) The Community Center shall be located on a major street and primary vehicular access shall be taken onto a major street from the Community Center.
  - (3) A ten (10) foot buffer yard, in accordance with the provisions of Section 1318.23, shall be provided along the side and rear lot lines.
- (c) Department Store. The provisions of Section 1321, Site Plan Review Criteria, and Section 1318, shall be met.
- (d) Hospital, Nursing or Convalescent Home. The following minimum

requirements shall be met:

- (1) Lot area shall be not less than two (2) acres.
- (2) Yards shall be at least twice the distance of the largest required yard space for the district in which it is located.

(e) Industrial Park. In addition to the other regulations for this District, the following requirements shall apply:

- (1) Each building shall be designed, insofar as practicable, so as to harmonize with, and not detract from the character of the surrounding area. The area surrounding each building shall be suitable and attractively landscaped. Particular emphasis shall be given to screening, parking and loading area.
- (2) Each permitted use, other than a parking lot or an off-street parking facility, shall be conducted within a completely enclosed building. Any outdoor storage shall be enclosed by a dense planting, solid wall or fence so designed and constructed to be in architectural harmony with the main building. Said screen shall be not less than four (4) feet high and shall, in all cases, be of greater height than anything stored inside said screen. No storage area shall extend into any required yard nor be placed on that side of a building facing a street. The area of all outdoor storage shall be considered as floor area in computing lot coverage.
- (3) Buffer yards, as required in Section 1318.23, shall be at least twenty (20) feet in width.
- (4) Satisfactory provisions shall be made for storm drainage, sanitary sewerage, domestic water supply and for power and telephone services, the latter to be provided for by utility easements along rear and side lot lines and not along lot frontages.
- (5) Vehicular access to a highway or street shall be controlled to maximize public safety and to avoid traffic congestion. vehicular access shall be limited to interior streets of the P-I District and not connect directly with expressways or arterial highways unless approved by the Planning Commission due to exceptional circumstances. Except for a lot or parcel comprising two (2) or more lots which occupy a combined frontage on all abutting streets of over five hundred (500) feet, there shall be not more than two (2) access points serving any one (1) industry or ownership; one (1) additional access road shall be allowed for each additional five hundred (500) feet. No access road, excluding the entrance radius, shall be located at its intersection with the property line, less than one hundred (100) feet from the curb line extended paralleling such access road.

(f) Multiple Family Dwellings. The following minimum requirements shall be met:

- (1) Location of Buildings. The distance between multifamily dwellings on the same lot shall be not less than 25 feet. All buildings shall be so located in relation one to another that the angle of horizontal from the sill of the lowest window in the habitable area in one building to the highest point of another building, excluding towers, chimneys and similar fixtures, does not exceed 45 degrees. Where possible, the design layout of dwelling structures shall be such that the front of one structure does not face the rear of another.

[Section 1322.04(f)(1) was amended by Ordinance No. 4219 on October 22, 2003]

- (2) The proposed development shall be served by a public sanitary sewer system.
- (3) The proposed use shall be designed as a single architectural project with approved landscaping as determined by the City Forester's Office and shall not materially detract from the character of the neighborhood.
- (4) No building shall exceed one hundred sixty (160) feet in length, except in R-M Districts, where the maximum length permitted shall be one hundred eighty (180) feet, measured at ground level or any floor level, whether on one frontage, or on the combined frontages of the main frontage and that of any wings of the same building.
- (5) In addition to the off-street parking provisions of Article 1319, the following additional requirements shall be required:
  - ( I) All parking spaces and access drives shall be at least fifteen (15) feet from any multi-family dwelling on the lot. This shall not apply to an interior garage and/or a driveway intended to be used as a parking space for one particular dwelling unit.

[Section 1322.04(f)(5)(I) was amended by Ordinance No. 4314 on March 1, 2005]

- ( II) No one area for off-street parking of motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by a six (6) foot wide planting strip.
- (6) In multiple dwellings two and one-half (2 1/2) stories or less in height, maximum building size shall be restricted to not more than sixteen (16) dwelling units in one (1) continuous structure and no portion of the building below the first story or above the second story shall be used for dwelling purposes.
- (7) In multiple dwellings over two and one-half (2-1/2) stories in height, the following additional minimum requirements shall be met:
  - ( I) Front Yard - No building shall be closer to any street line than twice the depth of the required front yard for the respective residential district in which such buildings is

located, and such front yard shall be increased by not less than one (1) foot for each one (1) foot in height of the building over thirty-five (35) feet, except that in R-M Districts such front yard shall be increased by not less than one (1) foot for each six (6) feet or portion thereof in height of the building over thirty-five (35) feet.

- ( II) Side and Rear Yards - In all districts except R-M Districts, side and rear yards shall not be less than twice the required minimum for the respective residential district in which such building is located and for each one (1) foot in height of the building over thirty-five (35) feet, side and rear yards shall be increased by not less than one-half (1/2) foot. In R-M Districts, side and rear yards shall not be less than fifteen (15) feet and for each six (6) feet or portion thereof in height of the building over thirty-five (35) feet, side and rear yards shall be increased by not less than one (1) foot.
  
- (III) The distance at the closest point in all districts except R-M Districts between any two (2) buildings of a group of elevator-type multiple dwellings, shall not be less than thirty-five (35) feet and for each two (2) feet such height is increased beyond a height of thirty-five (35) feet the distance between such buildings shall be increased by not less than one (1) foot. In R-M Districts, the distance at the closest point between any two (2) buildings of a group of elevator-type multiple dwellings shall not be less than twenty-five (25) feet and for each two (2) feet such height is increased beyond a height of the building over thirty-five (35) feet the distance between such buildings shall be increased by not less than one (1) foot.
  
- ( IV) Local shopping facilities to serve the residents of the building may be provided only on the ground floor and basement, provided the total floor area of the uses does not exceed ten (10) percent of the total area of the principal building.

(Section 1322.04(f) revised by Ordinance #3963 - 9/1999)

- (g) Planned Office Development. The following minimum requirements shall be met:
  - (1) Area and height regulations may be waived for any Planned Office Development which involves not less than ten (10) acres of land in a single tract, or in a tract in which adjacent owners agree to pool their land for mutually advantageous development, and which is to be developed within a reasonable period of time, as a single project or related projects.
  
  - (2) Planned Office Development shall be integrally planned and designed for a single occupant or as a single primary use facility with numerous tenants in the Office Research District. The



permitted uses shall be limited to commercial and business uses and such ancillary uses as may be required by the primary commercial and business uses. A minimum setback of fifty (50) feet shall be required around the entire tract.

- (h) Planned Unit Development. The provisions of Section 1318.24 shall be met.
- (i) Shopping Center. In addition to the other regulations of this District, the following requirements shall apply:
  - (1) The development shall be consistent with the Comprehensive Plan upon which this Ordinance is based.
  - (2) The development shall consist of a harmonious selection of uses, and groupings of buildings, service and parking area, circulation and open spaces, planned and designed as an integrated unit in such manner as to constitute a safe, efficient and convenient retail shopping center or related planned business development.
  - (3) The appropriate use of property adjacent to the shopping center or planned business development shall be safeguarded. Along each side or rear property line which directly abuts a Residential or Institutional District boundary line, a twenty (20) foot buffer yard shall be required which shall include a suitable and uninterrupted coniferous planting screen not less than four (4) feet in height nor fifteen (15) feet in width along each street line which directly abuts a Residential or an Institutional District boundary line. A strip of the required front yard area not less than ten (10) feet in width, measured from the street line, shall be suitably landscaped except for necessary sidewalks and accessways and may include a wall not more than four (4) feet in height.
  - (4) No storage of materials, equipment or goods shall be permitted outside a building, and no merchandise shall be displayed on the exterior of a building, except in conformance with the following regulations.
    - ( I) Only merchandise intended for immediate sale shall be displayed on the sidewalk in front of any store. At least eight (8) feet of sidewalk shall remain unobstructed for pedestrian use between the merchandise or display and the curb.
    - ( II) Any other area of a shopping center property proposed for storage or display purposes shall be subject to site plan approval by the City Planning Commission. All such areas shall be enclosed in a suitable fence or plant screen, located adjacent to the main building in such a manner as to prevent a view of the stored items from any adjacent property at ground level, and placed in such a manner as to control pedestrian and vehicular movement in the area.

- (5) Adequate provisions shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the center or planned business development. Such provisions shall include raised curbs or medial walkways which shall prohibit vehicles from straying from their designated circulation routes. Also, these walkways shall be suitably planted to help reinforce the proper routing of traffic and add to the overall appearance of the shopping center.
- (6) All access roads, parking area, service and other areas for vehicular use shall be paved with bituminous or other concrete material to specifications determined by the City Engineer.
- (7) The proposed development shall be served by public sewer and water facilities.
- (8) Each multiple family development permitted in conjunction with planned business development shall comply with the provisions of Article 1308.
- (9) If the development of the center or planned business development is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and the intent of this Ordinance shall be fully complied with at the completion of any stage. The initial stage of development shall comprise a minimum total ground floor area of 7,500 square feet, or a minimum of six (6) permitted main uses.
- (10) After the final development plan has been approved and when, in the course of carrying out this plan, adjustments or rearrangement of buildings, parking areas, entrances, heights or yards are requested by the proponents, and such requests conform to the standards established by the approved final development plan for the area to be covered by buildings, parking spaces, entrances, height setback and lot area requirements, such adjustments may be approved by the Planning Commission upon application which shall be accompanied by a plan of the entire development with the proposed changes indicated.
- (11) Every applicant for development, when approved by the City, either as submitted originally or as submitted or resubmitted in modified form, shall constitute an agreement by the applicant that (1) such installation shall be made, completed and operated as shown on the plan as part of the project in accordance with the provisions of this Article, and (2) the City Council may at its discretion, rezone the area to its former zoning classification in any of the following events:
  - ( I) If construction of approved buildings and improvements shall not be substantially undertaken within eighteen (18) months of approval of the application, or within such additional time as may be authorized by the City.
  - ( II) If there shall be a failure to complete construction, or to

comply, or to continue to comply with the requirements of this Article, or with conditions imposed by the City hereunder in the zoning or development of the area.

- ( III) If, as a result of voluntary sale or conveyance or any other transfer of ownership whatsoever, the area shall cease to be held, in its entirety, in single or common ownership.

(j) Commercial Recreation District.

- (1) All buildings and active recreation areas shall be set back from adjacent residentially-zoned properties a minimum of twenty-five (25) feet.
- (2) All methods to be used for outdoor lighting shall be shown on the development plan. Such lighting shall not intrude on the privacy of adjacent residentially-zoned properties.
- (3) The location, height and size of all free-standing signs shall be shown on the development plan.
- (4) Buffer yards shall contain screening materials which, in the opinion of the Planning Commission, are of adequate type, height, and width to properly buffer adjacent residentially-zoned properties from the structures inside or any excessive light or noise created by the C-R Development.
- (5) The hours of operation for all outside activities and outdoor lighting shall be subject to approval or disapproval by the City Planning Commission.
- (6) Parking requirements for uses not specified in Section 1319.01 shall be determined by the Planning Commission during the Commercial Recreation Plan review.
- (7) In order to minimize impervious surfaces and encourage use of existing parking areas during off-peak periods while ensuring adequate parking, the Planning Commission may permit a portion of the number of required parking spaces to be provided off the site for commercial recreation facilities such as convention halls, stadiums, and sports arenas. Applications for a reduction must document to the satisfaction of the Planning Commission that (1) the use of the recreation facility will be for short duration events such as concerts, athletic contests, and similar activities; (2) the hours or days of the peak parking needed for the events are different from the hours or days of peak parking at the existing off-site parking facilities to be used; (3) the applicant has permission from the owners for the use of those off-site parking facilities which are privately owned; (4) the total number of parking spaces at the commercial recreation facility and at the remote parking areas is equal to or greater than the parking requirements set forth elsewhere in this Ordinance; and (5) the applicant has an acceptable plan for transportation of the spectators from the remote parking areas to the commercial recreation facilities when distance

exceeds 2,000 yards from the closest perimeter of the site.

(k) Residential Retirement Complex.

- (1) All buildings and active recreation areas shall be set back from adjacent residentially-zoned properties a minimum of fifty (50) feet.
- (2) All methods to be used for outdoor lighting shall be shown on the development plan. Such lighting shall not intrude on the privacy of adjacent residentially-zoned properties.
- (3) Buffer yards shall contain screening materials which, in the opinion of the Planning Commission, are of adequate type, height, and width to properly buffer adjacent residentially-zoned properties from any parking areas or structures within the development.
- (4) Starting five (5) years after the completion of construction, all health care and community building facilities shall be designed and maintained solely for the use of the complex residents.
  - ( I) The health care facility shall be limited to a clinic which may also provide nursing care and supervision for extended periods of time. This facility shall not be considered a hospital.
  - ( II) Sales items shall be limited to foods, drugs, gifts, toiletries and periodicals within an area of no greater than five hundred (500) square feet.
- (5) The provisions contained in Subsection (f)(6) of this Section 1322.04 shall not be applicable to Residential Retirement Complexes.

(l) Single Family Detached Dwellings Fronting only on a Common Private Driveway. Single family detached dwellings fronting only on a common private driveway shall be permitted when the following conditions exist:

- (1) The minimum standards of the R-R District shall be met.
- (2) The lot shall be at least 43,560 square feet in area.
- (3) The lot shall be shown on a Subdivision Plan approved by the City Planning Commission.
- (4) A subdivision of land into new lots of this nature will only be approved by the City Planning Commission, if the City Planning Commission finds that:
  - ( I) The average slope and configuration of the tract to be subdivided is such that in the opinion of the City Engineer a standard city street, which meets the street grade requirements of the City Subdivision and the Development Ordinance, could not be built to allow normal development

of the property.

- ( II) The subdivision plan and associated proposed supporting documents and protective agreements provide notice to future lot owners of the rights and responsibilities associated with owning land within the subdivision tract.

(5) In addition, any subdivision proposed with lots fronting only on a common private driveway shall be presented to the City with plans, supporting documents, and protective agreements, meeting and demonstrating the following special requirements:

- ( I) Each common driveway shall be specially laid out on the plan with a metes and bounds description of its location and designed to meet the following specifications:

- ( i) The paved cartway width shall be a minimum of eighteen (18) feet. A two (2) foot shoulder shall be provided on both sides of the cartway. This shoulder area shall be kept clear of all vegetation and other obstructions and shall be paved with materials suitable to the City Engineer.

- ( ii) Easement width thirty (30) foot total, centered around the cartway.

- ( iii) Serve no more than ten (10) nor less than three (3) individual building lots.

- ( iv) Extend no more than thirteen hundred (1,300) feet in length from a public road right-of-way to the center of a turn-around cul-de-sac, or extend no more than twenty-six hundred (2,600) feet in total length from a public road right-of-way, to a public road right-of-way.

- ( v) Horizontal curves shall have a minimum centerline radius of one hundred fifty (150) feet. Horizontal curves may be reduced, subject to approval of the City Engineer, to a minimum centerline radius of one hundred (100) feet if the width of the cartway is increased to twenty-two (22) feet for the curved area including a transition area.

- ( vi) Maximum slope shall be fifteen (15) percent.

- ( vii) Cul-de-sac turn-around areas shall be designated with a minimum easement radius of fifty-five (55) feet and a minimum outside edge of a cartway radius of forty-five (45) feet. The center of the cul-de-sac can remain in vegetation, but if it does, the cartway around the circle must be at least twenty (20) feet wide.

- (viii) The cartway paving shall consist of the same materials as a standard fifty (50) foot City street.
  - (ix) The design of the common driveway, any associated utilities, including fire hydrants and storm drainage facilities shall be subject to the review and approval of the City Engineer.
  - (x) The design, including horizontal and vertical alignment, of the intersection of the driveway with the public street must be approved by the City Engineer to assure safety of access and operation.
- (II) An acceptable storm water management plan for the entire tract shall be submitted to and approved by the City Engineer prior to subdivision approval by the City Planning Commission.
- (III) The subdivision plan shall contain notations indicating that:
- (i) All common utilities and driveways outside of a City-owned public right-of-way shall always be the responsibility of and maintained by a Homeowner's Association which must be created by the applicant.
  - (ii) The City shall not accept any responsibility for the present or future ownership or maintenance of any driveway or utility outside of the existing public right-of-way. It shall be the responsibility of the Homeowner's Association to effectively maintain the private streets in reasonably good condition, and to carry out all snow removal and other operations related to providing access to these streets.
  - (iii) The City or its agents have the right to enter upon the common private driveway area or any common private easement area for official business.
  - (iv) Each landowner shall belong to the Homeowner's Association and the land in the subdivision shall be subject to a separate agreement of record, which agreement further describes the rights and responsibilities of the landowners within the subdivision.
- (IV) An Easement Agreement shall be provided, which Agreement shall be subject to the City Solicitor's review and approval, and shall provide the following features:
- (i) It shall be in recordable form for recording prior to

any lot sales.

- ( ii) The City shall be a party.
- (iii) It shall delineate the rights and responsibility of the owners with regard to driveway and utility maintenance.
- ( iv) It shall specifically state that the driveways will not be publicly maintained.
- ( v) It shall grant the City or its agents the right to enter upon the common private driveways or common private easement areas, for official business.

(m) Arena.

- (1) Arenas shall only be permitted in existing buildings containing at least 60,000 square feet or having a minimum seating capacity of at least 6,000 seats.

[Section 1322.04(m) was added by Ordinance No. 4219 on October 22, 2003]

## ARTICLE 1323

### PROCEDURES AND CONTROLS GOVERNING NON-CONFORMING USES

#### 1323.01 Purpose

The regulations governing existing non-conforming uses are set forth in this Article and are intended to provide a gradual remedy for the incompatibilities resulting from such non-conforming uses. While such uses are generally permitted to continue, these regulations are designed to restrict further investment in such uses, thereby keeping them from becoming more permanent establishments in appropriate locations.

These regulations are thus designed to preserve the character of the districts established in this Zoning Code in the light of their peculiar suitability to particular uses, and thus to promote and protect health, safety, and general welfare.

#### 1323.02 Definitions

- (a) Non-Conforming Structure or Lot. A structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the district in which it is located or to regulations for signs, off-street parking, off-street loading, or accessory buildings, but which structure or lot was in existence at the effective date of this Ordinance and was lawful at the time it was established.
- (b) Non-Conforming Use. A use of a building or lot that does not conform to a use regulation prescribed by this Ordinance for the district in which it is located, but which was in existence at the effective date of this Ordinance and was lawful at the time it was established.

1323.03 Continuation

The lawful use of any building, any structure or the lawful use of any land existing at the effective date of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance except as otherwise provided in this Article.

1323.04 Additions and Enlargements

A lawful nonconforming use or structure shall only be expanded if the following requirements are met:

- (a) The total building floor area or total land area occupied by the nonconforming use or structure, whichever is more restrictive, shall not be increased by greater than 50 percent beyond the area that existed at the time the use or structure first became nonconforming.
  - (1) The 50 percent maximum shall be measured in aggregate over the entire life of the nonconformity. Therefore, for example, if a use became nonconforming in 1971, and was expanded by 20 percent in 1980, then one 30 percent expansion would be permitted today.
  - (2) These provisions apply regardless of whether the use or structure is expanding within an existing building or an addition.
- (b) Special exception approval shall be required, except that a one-time expansion of up to 5 percent of the nonconforming first floor building footprint in existence as of the adoption date of this ordinance shall be permitted by right.
- (c) Any expansion of a nonconforming use or structure shall meet all required setbacks and all other requirements of this Ordinance. No new nonconformity shall be created.
- (d) If an existing single family detached dwelling, twin dwelling, rowhouse or townhouse in the RG, RT, or RM zoning districts has a lawfully nonconforming side yard building setback, additions may occur as a "permitted by right" use to increase the height above such setback or to extend other portions of the dwelling up to such nonconforming side yard setback line, provided:
  - 1) the building shall not be extended beyond the existing side yard setback line,
  - 2) no additional nonconformity shall be created,
  - 3) all other requirements of this Ordinance shall be met,
  - 4) no additional intrusions occur into the minimum rear yard, and



- 5) an absolute minimum side yard setback of 4 feet is maintained for any addition.

[Section 1323.04 was amended by Ordinance No. 4373 on March 7, 2006]

1323.05      Restoration

- (a) A nonconforming structure which is destroyed or damaged by fire or other casualty or by act of God shall only be rebuilt or restored or used in a nonconforming manner if the majority of the exterior walls are still structurally sound, with the following exceptions:
  - (1) a nonconforming residential structure may be reconstructed regardless of the amount of destruction provided that the structure is rebuilt and used as a single family home.
- (b) Where a nonconforming structure is permitted to be rebuilt or restored in a nonconforming manner, such permission shall only be granted if:
  - (1) the structure is properly secured after the damage or destruction,
  - (2) work begins within 12 months after the date of damage or destruction, unless the Zoning Hearing Board grants a time extension for good cause,
  - (3) work is diligently pursued to completion, and
  - (4) no new nonconformity is created and no existing nonconformity is increased.

[Section 1323.05 was amended by Ordinance No. 4373 on March 7, 2006]

1323.06      Abandonment

Termination and abandonment of nonconforming uses, buildings, or structures shall be subject to the following:

- (1) Any nonconforming use, building or structure that is replaced by a conforming use, building or structure shall be deemed immediately abandoned and cannot thereafter be revived.
- (2) A nonconforming use, building or structure discontinued for a period of 12 consecutive months shall be presumed abandoned and shall not thereafter be revived without proof satisfactory to the Zoning Officer, that the owner did not intend its abandonment through disuse.
- (3) Failure to market a vacant property for sale or lease for a period of 12 months will result in abandonment and evidence of intent to discontinue and abandon a non-conforming use, building or structure.

[Section 1323.06) was amended by Ordinance No. 4373 on March 7, 2006]

1323.07      Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under the following conditions:

- (a)      Such change shall be permitted only by special exception, under the provisions of Article 1325, Zoning Hearing Board.
- (b)      The applicant shall show that a non-conforming use cannot reasonably be changed to a permitted use.
- (c)      The applicant shall show that the proposed change will be less objectionable in external effects than the existing non-conforming use with respect to:
  - (1)      Traffic generation and congestion including truck, passenger car and pedestrian traffic.
  - (2)      Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, and vibration.
  - (3)      Storage and waste disposal.
  - (4)      Appearance.

1323.08      Displacement

No non-conforming use shall be extended to displace a conforming use.

1323.09      Applicability to Approved Non-Conforming Plans

Nothing contained in this Ordinance shall require any change in plans, construction or designated use of a structure for which a building permit was issued more than thirty (30) days prior to the adoption of this Ordinance or change in zoning district and the construction of which is begun within three (3) months after such adoption of change and diligently carried on. The approved plans shall not be altered in any way to increase the non-conformity.

1323.10      Prior Violations Continued

A non-conforming building altered or erected or a non-conforming use created, in violation of any previous provision, shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by this Article upon other non-conforming buildings and uses.

1323.11      District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area

from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses or structures existing therein.

1323.12      Nonconforming Lots

- (a)      Nonconforming lots are subject to the applicable provisions of Article 1318.
- (b)      If a nonconforming lot is contiguous to another lot with a common owner, and at least one of the lots does not include a principal building, then the two lots shall be considered to be merged, and shall not be separately sold and shall not be separately developed.

[Section 1323.12 was added by Ordinance No. 4373 on March 7, 2006]

## ARTICLE 1324

### ADMINISTRATION, PERMITS AND PENALTIES

#### 1324.01 Enforcement

The provisions of this ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the City Council.

It shall be the duty of the Zoning Officer and he shall have power to:

- (a) Review all applications for zoning-building permits, and issue permits when there is compliance with the provisions of this Ordinance and other applicable City regulations.
- (b) Receive applications for special exceptions, variances, and special use permits and forward these applications to the Zoning Hearing Board for action thereon.
- (c) Following disapproval of a zoning-building permit or certificate of occupancy, to receive applications for appeals from the decision of the Zoning Officer and forward these applications to the Zoning Hearing Board for action thereon.
- (d) Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
- (e) Order in writing correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance.
- (f) Record and file all applications for certificates of occupancy with accompanying plans and documents, and all certificates and permits issued. All applications, plans, and documents shall be a public record.
- (g) Maintain a map or maps showing the current zoning classification of all land in the City.
- (h) Upon the request of City Council, the Planning Commission or the Zoning Hearing Board, present facts, records or reports which they may request to assist such body in making decisions.
- (i) Review and approve or deny temporary permits which shall be issued by the office of the Bureau of Inspections for a period not to exceed one (1) year and which may be renewed annually for the following two (2) years.
  - (1) For non-conforming uses incidental to housing and construction projects and including such structures and uses as storage of building supplies and machinery, and a real estate office located on the tract being offered for sale, provided such permits are issued only upon agreement by the owner to remove the structure upon expiration of permit.

- (2) For structures or uses which are deemed by the Zoning Office to be beneficial to the public health and necessary to the public welfare.

1324.02 Zoning-Building Permits

All requests for zoning-building permits shall be made in writing by the owner or his authorized agent to the office of the Bureau of Inspections on application forms furnished by the City.

Zoning-building permits shall be secured from the office of the Bureau of Inspections prior to starting any construction, erection or alteration of any building, structure or portion thereof. Issuance of a zoning-building permit shall be subject to review and approval by all City Departments noted on the permit. The Inspections Office shall require that the application of a zoning-building permit and any additional material requested by the various City Departments shall contain all the information necessary to enable them to ascertain whether the proposed structure complies with the provisions of this Ordinance. A zoning-building permit shall be granted or denied within thirty (30) days of receipt of written application, provided that the curb line and grade have previously been established and no warrant of survey is necessary.

No zoning-building permit for construction, erection or alteration of any building, structure or portion thereof, shall be valid for more than six (6) months unless work at the site has commenced within such period.

The Building Inspector shall be given at least forty-eight (48) hours notice by the owner or applicant prior to commencement of work at the site under a zoning-building permit.

1324.03 Fees

Fees for zoning-building permits shall be paid in accordance with the Fee Schedule set forth in Ordinance No. 2999 which adopts for the City of Bethlehem the Basic Building Code of the Building Officials and Code Administrators International, Inc. Fees for appeals to the Zoning Hearing Board shall be paid in accordance with the following:

Appeals for dimensional variances for single  
family residences occupied by the owner-----\$ 75.00  
Appeals for portable sidewalk signs-----\$ 50.00  
Appeals for all other signs-----\$150.00  
All other appeals-----\$300.00

Refunds shall be granted only if requested before legal ad is submitted to the local newspaper.

1324.04 Violations and Penalties

For any and every violation of the provisions of this Ordinance: The owner, general agent, architect, contractor of a building or premises where such a violation has been committed or shall exist, or any other person who commits, takes part or assists in any such violation or who maintains any buildings or

premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding five hundred dollars (\$500.00), which shall be paid over to the City Treasurer or imprisonment for a period not to exceed ninety (90) days, if the fine is not paid.

- (a) Such fines and penalties may be collected by suit or summary proceedings brought in the name of the City before any Magistrate.
- (b) Whenever any such person specified above shall have been notified by the Zoning Officer in writing that he is violating this Ordinance, such person shall commence correction of all violations within five (5) days after notice and correct all violations within thirty (30) days of notice. If corrections are not commenced within five (5) days or completed within thirty (30) days, each day that a violation continues shall be considered a separate offense punishable by the like fine.

1324.05 Cancellation of Permit

The Zoning Officer may cancel or revoke a permit previously granted for violation of this Zoning Code or of any order of the Zoning Officer.

1324.06 One (1) Year Limitation on Approvals

- (a) The holder of any approval by the City Planning Commission or approval or variance granted by the Zoning Hearing Board under the provisions of Ordinance 1390 adopted November 22, 1955, shall be required to commence and proceed with substantial construction of the improvement authorized within a period of one (1) year from the effective date of this Ordinance.
- (b) If the holder of any approval by the City Planning Commission or approval or variance granted by the Zoning Board of Adjustment's Ordinance 1390, adopted November 22, 1955, fails to commence and proceed with substantial construction pursuant to such approval or variance within one (1) year of the effective date of this Ordinance, said approval or variance shall lapse and no construction shall thereafter be commenced in reliance on such approvals or variances.

## ARTICLE 1325

### ZONING HEARING BOARD

#### 1325.01 Establishment of Board

The City Council shall create a Zoning Hearing Board which shall supersede the existing Board of Adjustment. The three members and one alternate of the existing Board of Adjustment shall become the members and alternate of the Zoning Hearing Board and shall serve until their terms expire.

#### 1325.02 Membership, Terms of Office, Compensation

The Zoning Hearing Board shall consist of **five (5)** members appointed by the Mayor with the advice and consent of the City Council for **five**-year terms. The terms of office shall be so fixed that the terms of office of one member shall expire each year. Members of the Board shall hold no other office in the City. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant, and the Mayor may remove any member for cause after public hearing. The compensation of each member of said Zoning Hearing Board shall be twenty-five (\$25.00) dollars per day for attendance at officially convened public meetings of the Board. Compensation shall be paid monthly by the City Treasurer, upon receipt of certificates from the Secretary of said Hearing Board setting forth the date or dates the Board was in session, including the names of those members of the Board actually present at the times indicated in said certificates.

[Section 1325.02 was amended by Ordinance No. 2010-25 on October 6, 2010]

#### 1325.03 Procedures

- (a) Officers. The Board shall elect a chairman from its membership and shall prescribe rules in accordance with State Statutes and this Ordinance for the conduct of its officers.
- (b) Public Hearings. Hearings shall be open to the public and shall be held at the call of the chairman and at such other times as the Board shall specify in its rules of procedure. A hearing shall be held within 45 days after receipt by the Zoning Officer of an application for a variance or a special exception. Each decision of the Board shall be made within 45 days after the hearing or, if said hearing is continued beyond this period by reason of the applicant's request for a continuance, within 45 days after said continued hearing. If the Board does not hold a hearing within 45 days after receiving an application, or if the Board does not send a copy of the decision to the applicant within 45 days after the hearing or continued hearing, it shall be deemed that the Board has decided in favor of the applicant. The Chairman, or in his absence, the Acting Chairman, shall have power to administer oaths and compel the attendance of witnesses.
- (c) Records and Decisions. The Board shall keep a record of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final decision of each case.

Each decision of the Board shall bear the signature of the Zoning Officer on the original thereof. These proceedings shall become public records and the Board shall submit a report of its activities to City Council once a year.

1325.04 Notice of Hearings

- (a) Upon filing with the Board an application for a special exception variance or interpretation of this Ordinance, the Board shall determine a place and a reasonable time, not to exceed sixty (60) days from the date of application for a public hearing thereon and give notice as follows:
  - (1) At least seven (7) days prior to the date fixed for public hearing, publish a public notice describing the location of the building or lot and the general nature of the question involved in a newspaper of general circulation in the City.
  - (2) Give written notice to parties in interest at least seven (7) days in advance of such hearing. Such parties shall be at least those persons whose properties adjoin and face on the same street as the property in question, and the City Planning Commission.

1325.05 Powers and Duties - Interpretation

Upon appeal from a decision by the Zoning Officer the Zoning Hearing Board shall decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary line if uncertainty exists with respect thereto; where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Ordinance.

1325.06 Powers and Duties - Variances

- (a) Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall have the power to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions whereby such strict applications would result in practical difficulty and unnecessary hardship depriving the owner of the reasonable use of land or building involved, but in no other case.
- (b) In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.
- (c) No variance in the strict application of the provisions of this Ordinance shall be granted by the Board unless the Board finds that all the below requirements and standards are satisfied. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate his appeal to prove that the appeal for the variance is in conformance with the requirements and standards listed below:



- (1) That the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (2) That the granting of the variance will not permit the establishment within a District of any use which is not permitted in that District.
- (3) There must be proof of unique circumstances: There are special circumstances or conditions, fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
- (4) There must be proof of unnecessary hardship: If the hardship is general, that is, shared by neighboring property, relief can be properly obtained only by legislative action or by court review of an attack on the validity of the Ordinance.
- (5) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without knowledge of restrictions, it must result from the application of the Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

The Board may prescribe any safeguard that it deems to be necessary to secure substantially the objectives of the regulation or provisions to which the variance applies.

1325.07

Powers and Duties - Special Exceptions

- (a) The Zoning Hearing Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires the obtaining of such exceptions and for no other use or purpose.
- (b) General Requirements and Standards Applicable to all Special Exceptions: The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements, as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:
  - (1) In accordance with the City of Bethlehem Comprehensive Plan and consistent with the spirit, purposes, and intent of this Ordinance.

- (2) In the best interest of Bethlehem, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.
- (3) Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
- (4) In conformance with all applicable requirements of this Ordinance.
- (5) Suitable in terms of permitting the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
- (6) Suitable in terms of effects on street, traffic and safety with adequate sidewalks and vehicular access arrangements to protect major streets from undue congestion and hazard.

The Zoning Hearing Board may impose such conditions, in addition to those required in the Ordinance, as are necessary to insure that the general purpose and intent of this Ordinance is complied with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded, which conditions may relate to, but are not limited to, harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, hours of operation, lighting, allied activities, ventilation, noise, sanitation, safety, smoke and fume control, and the minimizing of noxious, offensive or hazardous elements.

1325.08

Special Conditions and Safeguards for Special Exception Uses

In addition to the general requirements and standards specified in Section 1325.07, the following additional conditions and safeguards for certain uses shall apply:

- (a) Cemetery – The following minimum requirements shall be met:
  - (1) The cemetery shall have an area of not less than five (5) acres.
  - (2) A plan shall be submitted which, in general, shall conform to all the requirements of a subdivision plan, except that individual lots need not be shown. No plan shall be acceptable which does not provide for the continuation of existing streets or of streets already projected or shown on a part of a comprehensive plan for all or a portion of the City, unless a study by the City Planning Commission shows that certain streets may be modified or eliminated. Land for required streets shall be dedicated by such plan.
  - (3) No structures, including fences, shall be built within any yard and, for this purpose, yard requirements shall conform to the regulations for the respective residential district in which the cemetery may be located.

- (4) Additional setbacks and planting to screen the cemetery from adjacent areas may be required by the Zoning Hearing Board.
- (b) Conversion of any dwelling to a two (2) or multi-family dwelling -- The following requirements shall be met:
- (1) Each dwelling unit shall contain at least the minimum gross floor area as defined in the Bethlehem Housing Code.
  - (2) For each person over eight (8) persons living in the building, the lot area must be increased by twenty (20) percent over the lot area requirement for a single family dwelling located in the same district.
  - (3) The yard, building area, and other applicable requirements for the district shall not be reduced.
  - (4) No exterior structural alteration of the building shall be made, except as may be necessary for purposes of sanitation or safety.
  - (5) Such conversion shall be authorized only for a large building which has relatively little economic value or usefulness as a single-family dwelling or other conforming use.
  - (6) Plans showing the proposed rearrangement of the interior of the building and provisions for off-street parking space, including the proposed entrance and exit to such parking spaces shall be provided to the Zoning Hearing Board.
- (c) Community or Public Garage (One Acre or Less in Area) -- The following requirements shall be met:
- (1) A community garage shall be the main building on a lot unless located as a part of a multiple family dwelling planned as a complete unit.
  - (2) Such garage shall preferably be arranged as a unit in which no doors, except in the rear of a court, would face directly upon a front street. Planting may be required to permit the building to become an attractive element of the neighborhood.
- (d) Commercial Greenhouse and Nursery -- The following minimum requirements shall be met:
- (1) All products for sale shall be kept enclosed within a building except those plants which are planted in the earth and are still alive.
  - (2) This use shall necessitate a minimum lot size of two (2) acres.
  - (3) All front, side, and rear yard minimum setbacks shall be double those of the district for single family detached dwellings.
- (e) Parking Lot in Residential District -- Land may be utilized for off-street parking facilities in certain residential districts providing the requirements in Articles 1319 and 1321 and the following are met:

- (1) The applicant for such special use permit must be the owner of both the property which is to be served by the parking lot and the property in the residential district to be used as the parking lot.
  - (2) No repair, service, display, or storage of vehicles shall be permitted on said parking lot.
  - (3) Parking lot shall be used exclusively for customer and employee parking.
- (f) Medical Office Building -- (One [1] Acre or Less in Area). The following requirements shall be met:
- (1) The use of the building and/or site, whether for new construction, or by conversion of an existing building, shall be exclusively for professional purposes. No dwelling units whatsoever shall be permitted.
  - (2) The floor area ratio shall not exceed 0.5.
  - (3) No parking shall be permitted to extend into any front or side yard. On the line of any yard, a suitable wall, fence or hedge shall be erected and/or planted, if deemed necessary, to protect adjacent residential property. Other planting may be required as deemed necessary to preserve the basic residential character of the area.
  - (4) Access ways shall be so placed as to provide safe ingress and egress with the least increase in traffic hazards. Where the development is on a corner lot, the access ways preferably should be located on the street carrying the least traffic, unless the paved roadway of such street is less than thirty-four (34) feet in width. Any proposed development which would require that cars back out from the parking area into the street shall be disapproved.
- (g) Undertaking Establishment and Funeral Parlor -- The following requirements shall be met:
- (1) Signs shall be limited to one (1) identification sign for each street frontage, provided that the area on either side of such sign shall not exceed six (6) square feet.
  - (2) A parking lot shall be permitted only in the rear of the main building and shall not occupy front or side yard area.
- (h) Home Professional Office -- The following requirements shall be met:
- (1) Such office shall be in the main building on the lot and shall not occupy more than twenty-five (25) percent of the floor area of said building. Should the spouse of a practitioner also use the residence for a home professional office, the total allowable floor area for both practitioners shall not exceed forty (40) percent of the floor area of the building.

- (2) Accessory buildings shall not to be used in conjunction with the home professional office use.
  - (3) The residential character of the building and lot shall be preserved.
  - (4) No more than one (1) person who is not a member of the resident family may be employed on the premises.
  - (5) Signage on the property shall be regulated in accordance with Sections 1320.08(a)(9) and (12).
  - (6) A minimum of two (2) off-street parking spaces shall be provided on the lot in addition to the basic parking requirements described in Section 1319.01(a)(1).
  - (7) The nature of the services rendered shall be of that type which are primarily and customarily provided to clients on an individual basis and by appointment only.
  - (8) No retail sales shall be allowed on the property.
  - (9) Only minimum storage of supplies shall be allowed. No outside storage of supplies shall be allowed on the property.
  - (10) A home professional office shall not include a biological or other medical testing laboratory.
- (i) Bed and Breakfast Home -- The following requirements shall be met:
- (1) No more than three (3) rooms may be offered for rent.
  - (2) The bed and breakfast must be in an existing structure and not a new structure or outbuilding.
  - (3) The only meal to be served is breakfast and to lodgers of the bed and breakfast exclusively.
  - (4) Signs shall conform to Section 1320.08(a)(2).
  - (5) No exterior structural alteration of the building shall be made except as may be necessary for purposes of sanitation or safety.
  - (6) The bed and breakfast must meet all City requirements for health, fire, and building safety.
  - (7) The bed and breakfast must be in operation a minimum of nine (9) months per year.
  - (8) The maximum uninterrupted length of stay shall be fourteen (14) days.
- (j) Residential treatment facilities, temporary shelters, and overnight shelters

shall meet the following general requirements:

- (1) The site shall be convenient to those support facilities that are essential to the functioning of the specific facility. These may include mass transportation, medical, educational, recreational, job training, social service, and/or other facilities being necessary for the particular use.
  - (2) Each site shall be:
    - ( I) Approved for all applicable Federal, State, County and City licenses and permits.
    - ( II) Operated so that all medical counseling or other services shall be provided for the sole benefit of those persons residing in the facility.
    - ( III) Subject to providing a minimum one (1) off-street parking space per employee for the maximum number of employees on any one (1) shift, plus additional parking as required by the zoning Hearing Board.
  - (3) For Residential Treatment Facilities the occupant load shall be determined by the applicable BOCA Property Maintenance Code.
- (k) Additional special requirements shall be met for all Residential Treatment Facilities, Temporary Shelters, and Overnight Shelters as follows:
- (1) Each residential treatment facility shall meet the following requirement:
    - ( I) No residential treatment facility shall be located within 800 feet of another residential treatment facility. The minimum distance between all such facilities shall be a minimum of 800 feet.
  - (2) Each Temporary Shelter, Overnight Shelter, or Residential Treatment Facility shall meet the following requirements:
    - ( I) Proof of adequate supervision by people qualified by training and experience in the field for which the facility is intended shall be provided.
    - ( II) The facility must comply with all applicable Fire, Housing, Building, Property Maintenance, and Health Codes, and all regulations pertaining to transient occupancy with respect to emergency lighting, smoke detectors, exit lights, and other safety devices.
    - ( III) Any food preparation, service, or distribution shall be licensed by the City and inspected by the Bureau of Health.
    - ( IV) All services provided on site shall be contained within the

structure and operated by a non-profit, charitable, or for-profit organization.

- ( V) The applicant for these facilities shall submit with its application to the Zoning Hearing Board a plan outlining in detail the management of the facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations, and any other information pertinent to the operation of the facility.

(l) Personal Care Centers and Assisted Living Facilities

- (1) No building shall be erected nearer than 30 feet from any lot line within a residential district.
- (2) Buffer yards as required by Article 1318.23 shall be provided.
- (3) The maximum permitted density shall not exceed 25 units per acre.
- (4) The facility shall have obtained any and all licenses and permits required by the Federal, State, or Local government which may be relevant to the facility.
- (5) A minimum of twenty (20) percent of the site shall be suitable and developed for outdoor passive recreation uses. The passive recreation areas may include, but shall not be limited to sitting areas and pedestrian walks.
- (6) In a residential zone, Personal Care Centers or Assisted Living Facilities shall be permitted only on arterial or collector roads.
- (7) The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design and building placement.
- (8) In a residential zoning district, assisted living facilities are limited to a maximum of 30 residential units.

[Section 1325.08(l) was amended by Ordinance No. 4380 on April 19, 2006]

(m) Adult Oriented Establishments and Massage Parlors

- (1) Purposes - To serve the intent and respond to the findings provided in Title 68, Part II, Subpart E, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, which are hereby included by reference. To serve the overall objectives of this Ordinance, and the following purposes:
  - (l) To recognize the adverse secondary impacts of Adult Oriented Establishments that affect health, safety and

general welfare concerns of the City. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Oriented Establishments typically involve insufficient self-regulation to control these secondary effects.

- (II) To limit Adult Oriented Establishments to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
  - (III) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
- (2) The building housing an Adult Oriented Establishment or Massage Parlor shall not be located within one thousand (1,000) lineal feet of another Adult Oriented Establishment or Massage Parlor.
  - (3) The setbacks for an Adult Oriented Establishment shall also apply from dwellings, uses and residential districts located in an adjacent municipality. The lot line of a lot occupied by an Adult Oriented Establishment or Massage Parlor shall be located a minimum of the following distances:
    - (I) one thousand (1,000) feet from a residential zoning district or the lot line of an Elementary or Secondary School,
    - (II) five hundred (500) feet from the lot line of a lot occupied by any of the following uses: Church, Synagogue, Mosque or Similar Place of Regularly Scheduled Religious Worship; Library, Child Day Care Center or Nursery School; Public Park or Playground; or Existing Dwelling Unit.
  - (4) No Adult Oriented Establishment shall be located within 5,000 lineal feet from the lot line of any Licensed Gaming Facility or the lot line of any location where a Licensed Gaming Facility is under official State consideration for a license under the Pennsylvania Race Horse Development and Gaming Act.
  - (5) A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does



not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.

- (6) No pornographic material, displays, signs or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
- (7) No Adult Oriented Establishment shall be used for any purpose that violates any Federal, State or municipal law.
- (8) The Adult Oriented Establishment shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
- (9) An Adult Oriented Establishment shall be prohibited in all Districts except as a special exception use in the HI District. An Adult Oriented Establishment is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
- (10) A minimum lot area of 1 acre is required.
- (11) For public health reasons, private booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- (12) No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Oriented Establishment involving "live entertainment", employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing".
- (13) Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor.
- (14) Any application for an Adult Oriented Entertainment use shall state the names and business addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during City business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
- (15) The use shall not operate between the hours of 1 a.m and 7 a.m.
- (16) As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code,

Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters), as amended.

- (17) An Adult Oriented Establishment shall not be on the same lot as a use that sells alcoholic beverages.
- (18) All Adult Oriented Establishments shall require a Zoning Permit and a Certificate of Occupancy from the City before being open for business.

[Section 1325.08(M) was amended by Ordinance No. 4393 on October 6, 2006]

1325.09      Actions of the Board on Exercising Powers

In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken.

No decision of the Board permitting the use of a building or land shall be valid for more than one (1) year unless such use is established within this period. Where such use is dependent upon the erection or alteration of a building, the Board's decision shall continue in force and effect if a building permit for such work is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of the decision.

1325.10      Who May Appeal

Appeals to the Zoning Hearing Board may be taken by any person aggrieved or by an officer, department, board or bureau of the City aggrieved or affected by any provision of this Ordinance or by any decision issued by the Zoning Officer

in enforcing the provisions of this Ordinance. The rules for filing such appeals are set forth in the next section.

1325.11      Rules and Procedures for Filing Interpretation and Variance Appeals and Special Exception Applications

- (a) General rules and procedures for appeals and applications:
  - (1) All appeals and applications made to the Zoning Hearing Board shall be in writing on standard forms prescribed by the Board.
  - (2) Any appeal shall be made by filing the same with the Zoning Officer within thirty (30) days after the date of the Zoning Officer's decision.
  - (3) All appeals and applications shall refer to the specific provisions of

this Ordinance involved.

- (4) All appeals and applications shall set forth names and addresses of all adjoining owners including those across public roads from the subject property.
  - (5) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certified to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or by a Court of Record on application, on notice to the Zoning Officer and on due cause shown.
  - (6) Once an appeal is filed, the Zoning Hearing Board shall set a date for a hearing and shall issue a decision within sixty (60) days.
- (b) Interpretation Appeals. Appeals concerning the interpretation of any provisions of this Ordinance shall exactly set forth the interpretation that is claimed.
  - (c) Variance Appeals.
    - (1) Appeals for variance from the strict application of this Ordinance shall include the Zoning Permit Application denied by the Zoning Officer, together with a statement with any supporting evidence regarding the requirements listed in Section 1325.06.
  - (d) Special Exception Applications.
    - (1) Applications for special exceptions shall include a Zoning Permit Application with all information required therein and a statement with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal  
  
complies with the general and specific requirements of this Ordinance.

1325.12

### Court Appeals

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer or any officer, Department, Board or Bureau of the City may present to the Court of Common Pleas of Lehigh County or Northampton County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within thirty (30) days after the decision of the Board.

## ARTICLE 1326

### AMENDMENTS

#### 1326.01 Power of Amendment

City Council may, from time to time, amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map. When doing so, the Council shall proceed in the manner prescribed in this Article.

#### 1326.02 Who May Initiate

Proposals for amendment, supplement, change, modification or repeal may be initiated by City Council on its own motion, by the Planning Commission, or by petition of one (1) or more citizens, subject to the following provisions:

- (a) Proposals originated by City Council. The City Council shall refer every proposed amendment, supplement, change, modification, or repeal originated by Council to the Planning Commission no less than thirty (30) days prior to the public hearing before City Council. Prior to the public hearing the Planning Commission shall submit to City Council a report containing the Commission's recommendations, including any additions or modifications of the original proposal. Failure of the Planning Commission to submit such report shall constitute an approval by the Planning Commission.

Within thirty (30) days after its submission to the Planning Commission, the Commission shall submit to City Council a report containing the Commission's recommendation, including any additions or modifications of the original proposal. Failure of the Planning Commission to submit such report within thirty (30) days shall constitute an approval by the Planning Commission.

- (b) Proposals originated by the Planning Commission. The Planning Commission may, at any time, transmit to City Council, any proposals for the amendment, supplement, change, modification or repeal of this Ordinance.
- (c) Proposals originated by a citizen's petition. Each petition of a proposal for amendment, supplement, change or modification to the zoning map by the citizenry must be acknowledged by a notary public and signed by the owners of fifty (50) percent or more of the land proposed to be rezoned, and submitted in writing to the City Council together with a fee of Two Hundred Dollars (\$200.00), plus payment in full by the applicant of all costs incurred by the City in publishing of legally required advertising. A written proposal or petition for amendment of the Zoning Ordinance Text, together with a fee of Two Hundred Dollars (\$200.00), plus payment in full by the applicant of all costs incurred by the City in publishing of legally required advertising, may be submitted to City Council by any single citizen. On receipt of said petition, Council shall transmit a copy of the petition to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment. All costs incurred by the City in publishing of legally required advertising must be paid by the applicant to the City in full before first reading of any such ordinance.

Within thirty (30) days after its submission to the Planning Commission, the Commission shall submit to City Council a report containing the Commission's recommendation, including any additions or modifications of the original proposal. Failure of the Planning commission to submit such report within thirty (30) days shall constitute an approval by the Planning Commission.

- (d) An applicant and/or interested party who requests a continuance of a public hearing scheduled to consider a zoning amendment change shall be responsible for the full cost of re-advertising the date of the subsequent public hearing. In order for the subsequent public hearing date to be established, the cost of the re-advertisement must be deposited with the City Clerk's office.

[Section 1326.02 was amended by Ordinance No. 4193 on May 21, 2003]

1326.03 Notice of Hearings and Enactment

No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Notice shall be given as follows:

- (a) Publish twice a notice of the time, place, and the general nature of such public hearing in a newspaper of general circulation in the City. Notice shall be published once each week for two (2) successive weeks. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.
- (b) When such hearing concerns a Zoning Map change, give at least thirty (30)

days notice to abutting property owners, who shall be those persons whose properties adjoin or are across the street from the property in question, and to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned.

- (c) A copy of the proposed amendment shall be forwarded to the Joint Planning Commission of Lehigh and Northampton Counties at least thirty (30) days prior to the public hearing by City Council.
- (d) If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the City at points deemed sufficient by the City, along the perimeter of the tract to be rezoned at least one week prior to the date of the public hearing.
- (e) The proposed amendment to the Zoning Ordinance or the title and a brief summary thereof shall be published once in a newspaper of general circulation in the City not more than sixty (60) days nor less than seven (7) days prior to passage.

[Section 1326.03(b) was amended by Ordinance No. 4193 on May 21, 2003]

1326.04      Amendment Change

If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

1326.05      Amendment Listing

All amendments made to this Ordinance as of the date of this publication are listed beginning on Pages B-1 and C-1.

1326.06      Notice to County

Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Joint Planning Commission of Lehigh and Northampton Counties.



## ARTICLE 1327

### FLOODWAY AND FLOOD-FRINGE DISTRICTS

#### 1327.01 Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (a) Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- (b) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- (c) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
- (d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

#### 1327.02 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams, and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Bethlehem or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

#### 1327.03 Establishment of the Floodway and Flood-Fringe Districts

The flood and flood-fringe districts shall include all areas subject to inundation by waters of the one hundred (100) year flood (regulatory flood). The basis for the delineation of these districts shall be the Flood Insurance Study for the City of Bethlehem, prepared by the Federal Insurance Administration, a division of the Federal Emergency Management Agency, which is declared to be a part of this Ordinance. The floodway and flood-fringe districts shall be overlays to the existing Zoning Map and, as such, the provisions for these two (2) Districts shall serve as a supplement to the Zoning District provisions. Where there happens to be any conflict between the provisions or requirements of either the floodway or flood fringe district and those of any Zoning District, the more restrictive provisions shall apply. Prior to any revision of the delineation of any flood plain districts, approval must be obtained from the Federal Insurance



Administration.

1327.04 District Provisions

Under no circumstances shall any use, activity and/or development reduce the carrying capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any stream, watercourse, or any other drainage facility within the City of Bethlehem, a permit shall be obtained from the Department of Environmental Protection, Dams and Encroachment Division. Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development.

1327.05 Floodway District

In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying stream improvements which have been approved by the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division.

- (a) Permitted Uses. In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the Zoning District and are not prohibited by any other Ordinance and provided that they do not require structures, fill, or storage of materials and equipment.
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - (2) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, and fishing areas.
  - (3) Miscellaneous uses such as yard areas, gardens, play areas, and pervious parking areas.
- (b) Uses Permitted by Special Exception. The following uses and activities may be permitted by special exception provided that they are in compliance with the provisions of the underlying Zoning District and are not prohibited by any other Ordinance:
- (1) Structures accessory to the uses and activities in Section 1327.05(a).
  - (2) Utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, pipe lines, and other similar or related uses.
  - (3) Water-related uses and activities, such as marinas, docks,

wharves, piers, etc.

- (4) Extraction of sand, gravel, and other materials.
- (5) Temporary uses, such as circuses, carnivals, and similar activities.
- (6) Temporary storage of materials and equipment, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, and can be readily removed from the area within the time available after flood warning.
- (7) Other similar uses and activities.

All uses, activities, and structural developments shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

- (c) Variations. A variance shall not be issued for development within the floodway if any increase in the regulatory flood elevation would result.
- (d) Regulation of Hazardous Materials.

- (1) The production, storage, or maintenance of a supply of any of the following materials is prohibited within any Floodway District except as noted in Section (2):

- |         |   |
|---------|---|
| ( I)    | Acetone   |
| ( II)   | Ammonia   |
| ( III)  | Benzene   |
| ( IV)   | Calcium Carbide   |
| ( V)    | Carbon Disulfide  |
| ( VI)   | Celluloid   |
| ( VII)  | Chlorine  |
| ( VIII) | Hydrochloric Acid   |
| ( IX)   | Hydrocyanic Acid  |
| ( X)    | Magnesium   |
| ( XI)   | Nitric Acid and Oxides of Nitrogen  |
| ( XII)  | Petroleum Products (Gasoline, Fuel Oil, Etc.)   |
| ( XIII) | Phosphorus  |
| ( XIV)  | Potassium   |
| ( XV)   | Sodium  |
| ( XVI)  | Sulphur and Sulphur Products  |
| ( XVII) | Pesticides (including Insecticide, Fungicides,<br>and Rodenticides)   |
| (XVIII) | Radioactive Substances  |
| ( XIX)  | Other substances defined as hazardous waste<br>under Section<br>75.261, Chapter 75, Title 25 of the Pennsylvania<br>Code. |

- (2) Except for radioactive substances, a supply of not more than 550 gallons or other comparable volume of the materials listed in (1) above may be maintained if required for the operation of a

permitted use as specified in Section 1327.05(a) and (b). No radioactive substances shall be permitted within the Floodway District.

1327.06 Flood Fringe District

In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying Zoning District provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances.

- (a) Any structure, or substantial improvement to any structure which is used for the production, storage, or maintenance of a supply of any of the substances listed in Section 1327.05(d)(1) shall:
  - (1) Be elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2') feet above the one hundred (100) year flood elevation.
  - (2) Be designed and constructed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.
  - (3) Be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (b) Except for a possible modification of the one and one-half (1-1/2) foot freeboard requirement, no variance shall be granted for any of the other requirements of this subsection (a).

1327.07 Special Exceptions

In passing upon applications for special exceptions, the Zoning Hearing Board shall consider all relevant factors specified in other sections of the Ordinance and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a water front location.

- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood of ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purpose of this Ordinance.

1327.08

Non-Conformities

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

- (a) Existing non-conformities (structures and/or uses) located in the Floodway District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements).
- (b) The modification, alteration, repair, reconstruction, or improvement of any kind to a non-conformity (structure and/or use) regardless of location, to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with the provisions of the City Building Code.

1327.09

Activities and Uses Requiring a Special Permit

- (a) In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any established Flood-Fringe District:
  - (1) Any new hospital, nursing home, jail, or mobile home park.
  - (2) Any construction, enlargement, or alteration of a structure used, or intended to be used, for a hospital, nursing home, or jail.
  - (3) Any substantial improvement to an existing mobile home park.
- (b) Application Requirements:

Applicants for Special Permits shall provide copies of the following items:

- (1) A written request including a completed Building Permit Application Form.
- (2) Ten (10) copies of complete development final plan(s) as described in Section 202 F.2 of the Subdivision and Development Ordinance, including the following additional information:
  - ( I) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at two (2) foot intervals.
  - ( II) Information concerning the flow of water in the Flood Plain including direction and velocities.
- (3) Five (5) copies of plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - ( I) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
  - ( II) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - ( III) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
  - ( IV) Detailed information concerning any proposed flood-proofing measures;
  - ( V) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas showing all right-of-way and pavement widths;
  - ( VI) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - ( VII) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (4) Three (3) copies of the following data and documentation:
  - ( I) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

- ( II) Certification from a Registered Professional Engineer, Architect, or Landscape Architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
- ( III) A statement, certified by a Registered Professional Engineer, Architect, Landscape Architect, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
- ( IV) A statement certified by a Registered Professional Engineer, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
- ( V) A statement, certified by a Registered Professional Engineer, Architect, or Landscape Architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
- ( VI) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development;"
- ( VII) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- ( VIII) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- ( IX) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

(c) Application Review Procedures

Upon receipt of an application for a Special Permit by the City Planning Office, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

- (1) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying

documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations.

Copies of the application as necessary shall also be forwarded to the City Building Inspector, Zoning Officer, Forester and Engineer for review and comment.

- (2) If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respect the application is deficient.
- (3) If the City Planning Commission decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (4) If the City approves an application, it shall file written notification, together with the application and all pertinent information, with the Pennsylvania Department of Community and Economic Development, by registered mail, within five (5) working days after the date of approval.
- (5) Before issuing the Special Permit, the City shall allow the Pennsylvania Department of Community and Economic Development thirty (30) days after receipt of the notification by the Department, to review the application and the decision made by the City.
- (6) If the City does not receive any communication from the Pennsylvania Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- (7) If the Pennsylvania Department of Community and Economic Development should decide to disapprove an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the Special Permit.

(d) Technical Requirements for Development Requiring a Special Permit.

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provisions shall apply.

- (1) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - ( I ) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

- ( i) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
  - ( ii) The lowest floor elevation (including basement) will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.
  - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
- ( II) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- (2) All hydrologic and hydraulic analyses shall be undertaken only a Professional Engineer, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow technical review by the City and the Pennsylvania Department of Community and Economic Development.
- (3) Any structure which requires a Special Permit shall be prohibited within the area measured fifty (50) feet horizontally from the top-of-bank of any watercourse.
- (4) Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.



**TABLE OF AREA,  
YARD AND BUILDING REGULATIONS**

TABLE OF AREA, YARD AND BUILDING REGULATIONS

Minimum Lot Requirements					Minimum Yard Requirements				Maximum Height		Max. Bldg. Cov.	Special Requirements	
District	Use	Total Development Area	Lot Area Per Dwelling Unit	Width*	Front	Rear	One Side	Both Sides	Story	Feet		Buffer Yard Req'd.	Site Plan Review by CPC
		(Square Feet)	(Square Feet)	(Feet)	(Ft.)	(Ft.)	(Ft.)	(Ft.)		(Ft.)	(%)		
<b>Low Density</b>													
R-R Residential District	Single Family Detached Dwelling	15,000	15,000	100	35	40	15	35	2.5	35	15%	No	No
	Non-Residential	15,000	--	100	35	40	25	50	2.5	35	15%	Yes	Yes
	Agricultural Uses	1 Acre	15,000	150	100	75	75	150	2.5	35	15%	No	No
<b>Medium Density</b>													
R-S Residential District	Single Family Detached Dwelling	8,000	8,000	75	30	35	8	20	2.5	35	25%	No	No
	Multi-Family Dwelling	18,000	6,000	--	30	35	25	50	2.5	35	25%	Yes	Yes
	Non-Residential	8,000	--	75	30	35	25	50	2.5	35	25%	Yes	Yes
R-G Residential District	Single Family Detached Dwelling	6,500	6,500	60	25	30	6	16	2.5	35	35%	No	No
	Multi-Family Dwelling (2-1/2 Stories & Less)	12,000	4,000	--	25	30	25	50	2.5	35	25%	Yes	Yes
	Multi-Family Dwelling (More than 2-1/2 Stories)	--	4,000	--	50	60	25**	50**	8.0	--	25%	Yes	Yes
	Single Family Attached Dwelling	12,000	4,000	20***	25	30	25	--	2.5	35	35%	Yes	Yes
	Non-Residential	6,500	--	60	25	30	10	20	2.5	35	35%	Yes	Yes

TABLE OF AREA, YARD AND BUILDING REGULATIONS

Minimum Lot Requirements					Minimum Yard Requirements				Maximum Height		Max. Bldg. Cov.	Special Requirements	
District	Use	Total Development Area	Lot Area Per Dwelling Unit	Width*	Front	Rear	One Side	Both Sides	Story	Feet		Buffer Yard Req'd.	Site Plan Review by CPC
		(Square Feet)	(Square Feet)	(Feet)	(Ft.)	(Ft.)	(Ft.)	(Ft.)		(Ft.)	(%)		
<b>High Density</b> R-T Residential District	Single Family Detached Dwelling	4,000	4,000	40	--	20	6	12	2.5	35	35%	No	No
	Single Family Semi-Detached Dwelling	6,000	3,000	60	--	20	6	12	2.5	35	35%	No	No
	Two-Family Detached Dwelling	6,000	3,000	60	--	20	6	12	2.5	35	35%	No	No
	Two-Family Semi-Detached Dwelling	12,000	3,000	120	--	20	12	24	2.5	35	35%	No	No
	Multi-Family Dwelling(3-1/2 Stories or Less)	9,000	3,000	--	--	20	25	50	3.5	35	30%	No	Yes
	Multi-Family Dwelling (More than 3-1/2 Stories)	--	1,200	--	20	20**	6**	12**	--	--	30%	No	Yes
	Single Family Attached Dwelling	9,000	3,000	20***	--	20	25*****	--	2.5	35	40%	No	Yes
Non-Residential	6,500	--	60	20	20	6	12	2.5	35	35%	Yes	Yes	
R-M Residential District	Single Family Detached Dwelling	3,000	3,000	30	--	20	4	8	2.5	35	50%	No	No
	Single Family Semi-Detached Dwelling	5,000	2,500	50*****	--	20	4	8	2.5	35	50%	No	No
	Two Family Detached Dwelling	5,000	2,500	50	--	20	4	8	2.5	35	50%	No	No
	Two Family Semi-Detached Dwelling	10,000	2,000	100	--	20	8	16	2.5	35	50%	No	No
	Multi-Family Dwelling (3-1/2 Stories & Less)	6,000	2,000	--	--	20	20	40	3.5	--	40%	No	Yes
	Multi-Family Dwelling (More than 3-1/2 Stories)	--	900	--	15	20****	8****	16	--	--	40%	No	Yes
	Single Family Attached Dwelling	6,600	2,200	16***	--	20	20*****	--	2.5	35	50%	No	Yes
Non-Residential	3,000	--	30	15	20	5	10	2.5	35	50%	Yes	Yes	

TABLE OF AREA, YARD AND BUILDING REGULATIONS

Minimum Lot Requirements					Minimum Yard Requirements				Maximum Height		Max. Bldg. Cov.	Special Requirements	
District	Use	Total Development Area	Lot Area Per Dwelling Unit	Width*	Front	Rear	One Side	Both Sides	Story	Feet		(%)	Buffer Yard Req'd.
		(Square Feet)	(Square Feet)	(Feet)	(Ft.)	(Ft.)	(Ft.)	(Ft.)		(Ft.)			
R-RC District Residential Retirement Complex	Residential Retirement Complex	10 Acres	2,000	--	50	50	100	200	4.0	45	20%	Yes	Yes
I - Institutional	Institutional	5 Acres	--	--	20	20	20	20	**	--	40%	--	Yes
C-B Commercial Business	Multi Family Dwelling (3-1/2 Stories & Less)	6,000	2,000	--	***	20	20	20	3.5	45	80%	No	Yes
	Multi-Family Dwelling (More than 3-1/2 Stories)	--	****	--	***	***	***	***	--	--	80%	No	Yes
	Single Family Attached Dwelling	6,600	2,200	16*	***	20	20	--	2.5	35	60%	No	Yes
	Mixed Residential and Commercial	--	****	--	***	***	***	***	--	--	80%	Yes	Yes
	Commercial and Business	--	--	--	***	***	***	***	--	--	80%	Yes	Yes
C-G General Commercial	Commercial	--	--	--	*****	*****	*****	*****	--	35	65%	Yes	Yes*****
	Mixed Commercial Residential	--	2,000	--	*****	*****	*****	*****	--	35	65%	Yes	Yes*****
	Single Family Attached Dwelling	6,600	2,200	16	*****	*****	*****	*****	--	35	65%	Yes	Yes*****
	Other Residential	--	2,000	--	*****	*****	*****	*****	--	35	65%	Yes	Yes*****

TABLE OF AREA, YARD AND BUILDING REGULATIONS

Minimum Lot Requirements					Minimum Yard Requirements				Maximum Height		Max Bldg. Cov.	Special Requirements	
District	Use	Total Development Area	Lot Area Per Dwelling Unit	Width*	Front	Rear	One Side	Both Sides	Story	Feet		Buffer Yard Req'd.	Site Plan Review by CPC
		(Square Feet)	(Square Feet)	(Feet)	(Ft.)	(Ft.)	(Ft.)	(Ft.)	(Ft.)	(Ft.)	(%)		
C-L Limited Commercial	Commercial	--	--	--	15	20	4	8	--	35	65%	Yes	Yes*****
	Single Family Attached Dwelling	6,600	2,200	16	15	20	4	8	--	35	65%	Yes	Yes*****
	Other Residential	--	2,000	--	15	20	4	8	--	35	65%	Yes	Yes*****
C-S Shopping Center	Shopping Center	2 Acres*****	2,000	300	40	25	25	50	-- *****	35 *****	30%	Yes	Yes
C-R Commercial Recreation	Commercial Recreation	***	--	--	--	--	--	--	2.5	35	30%	Yes	Yes
C-M Office Research Center	Office Research Center	10 Acres	--	--	50	50	50	100	2.5	35**	40%	Yes	yes
P-I Planned Industrial	Manufacturing	1 Acre	--	140	50	50	25	50	2.5	35	40%	Yes	Yes
L-I Light Industrial	Manufacturing	--	--	--	40****	50****	25****	50****	--	50	65%	Yes	Yes*****
H-I Heavy Industrial	Manufacturing	--	--	--	50****	50****	50****	100****	--	--	--	Yes	Yes*****

- \* See Footnote 3 at end of table.
- \*\* See Footnote 2 at end of table.
- \*\*\* See Footnotes 4, 10, & 14 at end of table.

- \* See Footnote 3 at end of table.
- \*\* See Footnote 2 at end of table.
- \*\*\* See Footnote 4, 11, & 14 at end of table.
- \*\*\*\* See Footnote 5 at end of table.
- \*\*\*\*\* See Footnote 19 at end of table.
- \*\*\*\*\* See Footnote 20 at end of table.

- \* See Footnote 3 at end of table.
- \*\* See Footnote 6 at end of table.
- \*\*\* See Footnote 12 at end of table.
- \*\*\*\* See Footnote 13 at end of table.
- \*\*\*\*\* See Footnote 7 at end of table.
- \*\*\*\*\* See Footnote 16 at end of table.

- \* See Footnote 3 at end of table.
- \*\* See Footnote 5 at end of table.
- \*\*\* See Footnote 15 at end of table.
- \*\*\*\* See Footnote 8 at end of table.
- \*\*\*\*\* See Footnote 16 at end of table.
- \*\*\*\*\* See Footnote 17 at end of table.
- \*\*\*\*\* See Footnote 18 at end of table.

## FOOTNOTES

1. For each one (1) foot of height over thirty-five (35) feet, the front yard shall be increased one (1) foot.
2. For each one (1) foot of height over thirty-five (35) feet, the side and rear yards shall be increased by not less than one-half (1/2) foot.
3. Each lot shall have a depth of not less than one hundred (100) feet.
4. On a corner lot the minimum side yard shall equal the minimum front yard requirement of the most restrictive district within the block and fronting on the side street.
5. For each six (6) feet of height or portion thereof that the height of the building is over thirty-five (35) feet, the side and rear yards shall be increased one (1) foot.
6. Height of buildings may equal the right-of-way of an adjacent street. Buildings may exceed this height if building is set back, in addition to the required setback, one (1) foot for each three (3) feet, or fraction thereof by which such building exceeds in height the width of the street.
7. Where the block frontage of one (1) side of the street is located in a Residential or Institutional District and the block frontage on the opposite side of the street is located in G-C General Commercial District and where a Residential or Institutional District abuts a G-C General Commercial District within the same block, the front, side and rear requirements of the respective district shall apply to that area of the G-C General Commercial District which fronts or abuts the Residential or Institutional District; otherwise there are no yard requirements.
8. The setbacks stated for L-I Light Industrial and H-I Heavy Industrial Districts shall be enforced only if the adjacent property affected is in a Residential, Institutional or C-L Limited Commercial District. If the adjacent property is in a different zoning district than those stated above, the front yard setback may be reduced to twenty (20) feet, and there shall be no rear or side yard setback requirements.
9. Where it is satisfactorily demonstrated that a specific industrial process or function requires additional height, the additional height shall not exceed forty (40) feet. For any building exceeding fifty (50) feet in height, the width of all yards shall be increased by one (1) foot for each foot in height over fifty (50) feet.
10. Single family attached dwellings in R-G shall not exceed four (4) dwellings in a row and the total building length of a row building shall not exceed one hundred and twenty (120) feet.
11. Single family attached dwellings in R-T and R-M shall not exceed eight (8) dwellings in a row and the total building length of a row building shall not exceed one hundred and sixty (160) feet.
12. Where a Residential or Institutional District abuts a C-B Commercial Business District in the same block, the front, side, and rear yard requirements shall apply to that area of the C-B Commercial Business District which fronts or abuts at the property line of the Residential or Institutional District; otherwise there are no yard requirements.
13. The density standards for multiple family dwellings more than three and one-half (3-1/2) stories high and for mixed residential and commercial uses shall be determined by the Planning Commission at the time such a use is proposed for the Central Business District. The proximity of open spaces, such as parks and plazas, the width of adjacent streets, and the nearness of other

major high density residential uses shall primarily determine the maximum density allowed.

14. The minimum lot size requirement for single family attached dwellings listed under lot area per dwelling unit may be averaged for adjacent buildings in a row fronting on the same street, up to three (3) such buildings. In all other cases, the minimum lot size requirements for single family attached dwellings may be averaged only within the same building for each one (1) building in a row.
15. Total development area is to be determined by the Planning Commission upon site plan review.
16. Any use in this district which requires four (4) or less off-street parking spaces may be exempted from site plan review by the City Planning Commission at the discretion of the Director of City Planning.
17. Within the CS district, lots with a minimum lot area of one acre and a minimum lot width of 150 feet per lot may be created, provided each such lot includes a legally binding and recorded restriction stating that there will be no vehicle access directly from the lot onto a public street. Any such lot shall have vehicle access using a system of internal driveways with such access being fully coordinated among all of the Shopping Center business uses.
18. For all lots located within a shopping center district of not less than ten (10) acres in size and not separated by a street, the maximum permitted building height shall be forty-five (45) feet and four (4) stories, provided that all setbacks abutting a public street or a residential property shall be increased to a minimum setback of fifty (50) feet. The first ten (10) feet within the setback abutting said public street or residential property shall be planted with grass seed, ground cover or other approved planting material.
19. The side yard setback requirements shall be reduced to 10 feet for developments that do not exceed 4 units per row for the development.
20. The lot width requirement may be reduced to seventy (70) percent of the required lot width for those lots fronting on the bulb of the cul-de-sac except that the full lot width must be met at the front wall of the building located closest to the street right of way. In addition, a minimum of 50% of the lots utilizing this provision must provide 3 off-street parking spaces per dwelling unit.



The following Amendments have been made to the Zoning Ordinance since September 25, 1970:

<u>NUMBER</u>	<u>DATE</u>	<u>ORDINANCE</u>	<u>SECTION</u>
1	03/25/71	2241	1302.17
2			1302.36
3			1302.38
4			1304.02(c)(1)
5			1305.02(b)(2)
6			1308.02(a)(2)
7			1308.02(c)
8			1310.02(c)
9			1311.02(a)
10			1311.02(a)
11			1311.02(a)
12			1311.02(a)
13			1311.02(a)
14			1312.02
15			1313.02(a)(13)
16			1318.05
17			1318.11
18			1318.13(b)
19			1318.18
20			1318.23(c)
21			1319.03(k)
22			1320.07(g)
23			1320.09(a)
24			1320.10(a)(3)(I)
25			1321.01
26			1321.02(b)
27			1322.01
28			1325.08(b)
29			Table
30	06/09/71	2250	1320.09(a)(2)(II)
31			1320.09(a)(2)(IV)
32	09/09/71	2259	1311.02(c)
33			1312.02(c)
34			1318.04
35			1318.05
36			1319.02(g)
37			1320.08(a)(10)
38			1320.10(a)(1)
39			1325.08
40			Table
41			Table
42			Footnote #1
43			Footnote #6
44			Footnote #9

<u>NUMBER</u>	<u>DATE</u>	<u>ORDINANCE</u>	<u>SECTION</u>
45	09/09/71	2259	1311.02(a)(8)
46	09/09/71	2260	1320.08(a)(11)
47			1320.07(d)
48	10/27/71	2266	1318.24(d)(2)
49	10/27/71	2267	1319.01(a)(1)
50			1319.01(a)(11)
51	06/07/72	2305	1319.01(a)(22)
52	07/12/72	2310	1320.08(a)(12)
53	09/06/72	2315	1318.27
54	09/06/72	2316	1313A
55			1318.23(b)
56			1320.09(a)(2)(IV)
57			1320.09(a)(3)(V)
58			1320.09(a)(3)(VI)
59			1322.04(i)
60			1322.04(j)
61			Table
62	03/22/73	2364	1324.06
63	04/06/73	1367	1319.01(a)(27)
64			1319.03
65			1319.03(d)
66			1319.03(e)
67			1319.03(g)
68			1319.03(h)
69			1325.08(e)
70			1325.08(e)(2)
71			1325.08(e)(3)
72	08/23/73	2381	1310.02(b)
73			1310.02(c)
74			1318.23
75			Footnote #12
76			1319.04
77	10/05/73	2388	1320.08(a)(13)
78			1320.08(a)(14)
79	08/21/74	2434	1319.02(e)
80			1319.02(g)
81	11/27/74	2446	1310.04
82			1319.02(e)(2)
83			1319.02(g)
84	02/21/75	2459	1319.03(f) & (g)
85	07/07/75	2474	1304.02(d)(2)
86	04/06/77	2560	1302.71
			1320.08(a)(2)&(9)
87	09/21/77	2574	1322.04(i)(4)
88	11/02/77	2583	1316.02(a)
89	04/10/78	2609	1325.02
90		2610	1325.03(b)

<u>NUMBER</u>	<u>DATE</u>	<u>ORDINANCE</u>	<u>SECTION</u>
91	05/24/78	2615	1302.01(a)(8) 1302.32 1302.76 1303.06 1327
92	12/21/78	2637	1324.03
93	08/06/80	2710	1308A 1302.67 1319.01(a) 1322.04(k) Table
94	09/03/80	2714	1304.02(b)(1) 1305.02(b)(1)
95	12/03/80	2726	Table
96	02/18/81	2767	Table
97	04/07/81	2773	1302.38 1304.02(c)(6)(Deleted) 1304.02(d)(2) 1325.08(h)
98	11/18/81	2797	1302.45 1302.45(j) 1302.52
99	03/03/82	2827	1309.02
100	05/26/82	2837	1304.02(c)(6)(Deleted) 1305.02
101	05/26/82	2837	1318.22
102	11/11/82	2850	1302.66 1318.26
103	05/04/83	2886	1327.05(d) 1327.06 1327.09
104	06/08/83	2891	1308.02(c)(2)(Deleted)
105	06/08/83	2893	1325.02
106	06/20/84	2947	1324.03
107	09/19/84	2954	1315.02
108	03/19/85	2982	1302.71 1318.28
109	07/03/85	3004	1320.07(k) 1320.10
110	09/04/85	3008	1324.03
111	05/06/86	3066	1302.27
112	06/18/87	3126	1302.06 1302.38 1302.85 1306.02(c)(5) 1319.01(2)(3)(4) 1325.08(i)

<u>NUMBER</u>	<u>DATE</u>	<u>ORDINANCE</u>	<u>SECTION</u>
113	03/16/88	3173	1302.30 1302.46 1302.58 1302.89 1302.79 1302.70 1304.02(c)(6) 1307.02(c)(3) 1308.02(c)(2) 1310.02(c)(3) 1311.02(c)(4) 1325.08(j) 1325.08(k)
114	12/21/88	3229	1304.02(b)(2)(Deleted)
115	02/07/89	3243	1324.03 1324.04
116	08/16/89	3284	1318.27
117	12/05/89	3303	1325.02 1326.02 1326.03 1326.06 (Added)
118	01/09/91	3389	1302.23 1302.42 1302.79 1302.81 1318.29
119	05/06/92	3478	1321.03(d)
120	06/03/92	3482	Table (Footnote #16)
121	10/07/92	3492	1320.08(a)(4) 1320.08(b)(3)
122	11/18/92	3498	1302.66
123	11/18/92	3499	1317.02(a)(5)
124	07/21/93	3560	1326.02(c) & (d)
125	11/10/93	3578	1324.03
126	03/22/95	3674	1319.03(a)(2)
127	04/03/96	3743	1317A- IR-Industrial Redevelopment District (Added)
128	10/15/96	3774	1322.04(j)(7) Special Parking Requirements for CR District
129	12/17/98	3867	1309.02(b)(6) (Added)
130	05/26/98	3884	1318.28A (Added)
131	7/6/99	3958	1302.17A (Added)
132	9/7/99	3963	1322.04(f) Multi-Family dwellings (amended)
133	2/20/2001	4068	1304.02(d) Accessory Uses (amended)
134	2/20/2001	4069	1318.30 Home Office Use (added)

<u>NUMBER</u>	<u>DATE</u>	<u>ORDINANCE</u>	<u>SECTION</u>
135	09/04/2001	4087	1318.31 Pool Regulations (added)
136	11/20/2001	4100	1309.08 Institutional Overlay District (
137	09/03/2002	4135	1302.76 Restaurant (amended)
138	09/03/2002	4136	1310.02(a)(8) Restaurant (amended)
139	09/03/2002	4137	1311.02(a)(4) Restaurant and Drive In Restaurant (amended)
140	09/03/2002	4138	1318.30(a)(1) General Regulations (amended)
141	09/03/2002	4139	1320.04(j) (amended) 1320.04(k) (added) 1320.05(b) (amended) 1320.06 (amended) 1320.07 (amended) 1320.08(a)(3) (amended) 1320.08(a)(11) (amended) 1320.08(a)(13) (amended) 1320.09(a)(2)(I) (amended) 1320.09(a)(2)(V) (added) 1320.09(a)(3)(II) (amended) 1320.09(a)(3)(V) (amended) 1320.09(c) (added) 1320.10 (deleted) 1320.10 Signs Permitted in Industrial Districts (renumbered) 1320.10(c)(2) (amended)
142	05/06/2003	4187	1317B (added)
143	05/21/2003	4190	1316.02(a)(19) (amended)
144	05/21/2003	4191	1317A.03(a)(47) (added)
145	05/21/2003	4192	1320.04(i) (amended)
146	05/21/2003	4193	1326.02 (amended) 1326.03(b) (amended)
147	06/03/2003	4194	1301.07 (added)
148	06/03/2003	4195	1308.07 (added)
149	08/19/2003	4205	1304.07 (added)
150	10/22/2003	4215	1302.38 (amended)
151	10/22/2003	4216	1309.02(b)(7) (added)
152	10/22/2003	4217	1318.11 (amended) 1318.17 (amended)
153	10/22/2003	4218	1320.09(a)(2)(II) (amended)
154	10/22/2003	4219	1322.04(f)(1) (amended) 1322.04 (m) (added)
155	08/04/2004	4266	1313.02(a)(12) (amended) 1313.02(a)(13) (amended) 1313.02(a)(16) (added) Table A-4
156	08/17/2004	4269	Table A-2
157	01/04/2005	4302	1304.08 (added)

158	03/01/2005	4310	1302.29(f)(3) (amended) 1302.99 (added)
159	03/01/2005	4311	1312.02(a)(18) (added) 1312.02(a)(19) (added) 1312.02(a)(20) (added)
160	03/01/2005	4312	1316.02(a)(25) (added)
161	03/01/2005	4313	1319.01(a)(13) (amended)
162	03/01/2005	4314	1322.04(f)(5)(I) (amended)
163	03/01/2005	4315	Table A-3 Table A-4
164	10/18/2005	4344	1317.02(a)(6,7) (added)
165	10/18/2005	4345	1317A.03(a) (48) (added)
166	03/07/2006	4374	1314A (added)
167	03/07/2006	4373	1323.04 (amended) 1323.05 (amended) 1323.06 (amended) 1323.12 (added)
168	04/19/2006	4380	1302.05 (added) 1302.63 (added) 1306.02(c)(3) (added) 1308A.02(a)(5)(added) 1309.02(a)(3) (added) 1319.01(a)(9)(added) 1325.08(L) (added)
169	09/19/2006	4391	1314(B) (added)
170	10/06/2006	4393	1302.03 (added) 1302.23 (added) 1302.52 (added) 1302.55 (added) 1302.67 (added) 1311.02(c)(5 and 6) (added) 1313.02(a)(1) (amended) 1313.02(c) (added) 1317.02(c)(2) (added) 1317A.03(a)(5) (amended) 1317A.(03)(a)(49) (added) 1317A(03)(c)(10,11,12)(added) 1317A.04 (amended) 1317A.08 (added) 1318.33 (amended) 1318.34 (amended) 1318.35 (amended) 1319.01(a)(34) (added) 1319.01(a)(35) (added) 1325.08.M (added)
171	10/06/2010		1325.02 (amended)

## ZONING MAP CHANGES

<u>Ordinance Number</u>	<u>Date</u>	<u>Location</u>	<u>Change</u>
2234	02/02/71	Lots 10 & 11 on Clifton Avenue	I to RS
2235	02/02/71	Land at Intersection of E. Fairview St. & Minsi Trail St.	RT to LI
2258	09/07/71	1.284 Acres on West Side of Schoenersville Rd.	RG to CL
2271	11/30/71	405.592 Acres bounded by Friedensville Rd., Mountain Drive South, Seidersville Rd. and Creek Rd.	RG to I'
2290	02/15/72	S.E. Corner of Locust and Masslich Streets	RT to I'
2311	08/08/72	East Side of Stefko Blvd., between Glenwood & Clermont Sts.	RT to CL
2312	08/08/72	North side of Catasauqua Rd. between Westgate Drive & Spur Route (Interstate Highway 378)	RG to I'
2322	10/03/72	3.279 Acres North of Lehigh St. (Between 11th & 13th Avenues)	I to RM
2326	11/28/72	South Side of W. Lehigh St. from Baker St. to Eighth Ave.	RM to CR
2380	07/03/73	South Side of W. Walnut St.	RT to CB
2391	11/27/73	Between Walnut & Market Sts. S.W. corner of New & Walnut Sts.	CB to RT RT to CB
2401	12/27/73	Pembroke Rd. at City Boundary	RM to CS
2402	12/27/73	S.E. Corner of Stefko Blvd. & Pembroke Rd.	CG to LI
2420	04/02/74	West Side of Santee Rd.	RS to I
2423	06/11/74	South Side - 400' Scale	Various
2424	06/11/74	North Side - 400' Scale	Various
2430	07/02/74	City - 400' Scale	Various

<b><u>Ordinance Number</u></b>	<b><u>Date</u></b>	<b><u>Location</u></b>	<b><u>Change</u></b>
2575	09/21/77	City-Owned Lots on Johnston Dr.	I to RR
2576	09/21/77	City-Owned Lots South of Washington Ave.	I to RG
2622	10/04/78	West Side of Stefko Blvd.	RT to LI
2674	10/13/79	Washington Ave., Linwood & Minsi Trail St.	RG to RT
2704	06/18/80	S.W. Corner Washington Ave. & New St.	I' to RT
2711	08/06/80	First Presbyterian Church Property	I' to R-RC
2718	10/23/80	East Third St.	LI to CB
2721	11/06/80	West Lehigh St.	CR & RM to PI
2722	11/18/80	Dewberry Acres, Ronca Tract	RS to RG
2723	11/18/80	442-454 Wyandotte St.	RM to CG
2759	01/21/81	W. Broad St. between 13th & 15th Avenues	RG and RS to CG
2767	02/18/81	Schoenersville Rd., Monocacy Creek Area	LI to CR
2783	09/01/81	South of Donegan School	RM to CM
2784	09/01/81	West of Williams St.	RG to CM
2785	09/08/81	Between Research Center & Seidersville Rd.	RG to CM
2786	09/08/81	North of Seidersville Rd.	RG to RR
2787	09/08/81	East of Creek Rd.	I to RR
2789	09/08/81	Intersection of William Street Seidersville Rd & Creek Rd.	RG to RR
2791	10/21/81	South End of Creek Rd.	RG to RR
2791	10/21/81	East of Creek Rd.	RG to I



<u>Ordinance Number</u>	<u>Date</u>	<u>Location</u>	<u>Change</u>
2845	08/04/82	360 Conestoga St.	I to RM
2873	01/18/83	Wyandotte St.	RM to CG
2892	06/08/83	New St. & Elizabeth Ave.	RT to CG
2938	04/17/84	West Packer Ave.	RM to I'
2946	06/19/84	Broad & Elm Sts.	RT to CG
2952	09/04/84	Center St.	RT to I'
3104	01/20/87	W. Lehigh Street	RM to PI
3105	02/03/87	Eaton Ave. & Ralston Rd.	CM to RG
3196	02/17/87	W. Third St.	LI to CB
3273	07/12/89	N.E. Corner E. Fourth St. & Hayes St.	RM to CL
3286	09/19/89	Burnside Plantation	LI to I'
3289	10/17/89	W. Laurel St.	RM to I'
3342	06/05/90	Ridge St., 8th St., Mountain Dr., Atlantic St., Hillside Ave.	RM to RS
3351	09/18/90	Friedensville Rd.	I' to RG
3471	04/08/92	434-38 Wyandotte St.	RM to CG
3494	10/21/92	Schoenersville Rd. & Industrial Dr.	PI to CS
3537	04/07/93	Rear of 2980 Linden St.	RS to CS
3696	07/12/95	West Side of Hellertown Rd.	LI to CG
3712	12/06/95	N.E. Corner Hellertown Rd. & Crest Ave.	RM to CG
3744	04/03/96	Bethlehem Steel Land	HI to IR
3748	05/09/96	First Presbyterian Church	I' to RRC
3763	09/17/96	W. Third Street	LI to CB
3773	10/15/96	Pfeifle Field	RM to CR

<u>Ordinance Number</u>	<u>Date</u>	<u>Location</u>	<u>Change</u>
3835	09/02/97	Old York Road	I' to CB
3965	09/21/99	Creek Road	I' to RG
4006	05/02/00	Dakotah Street at Wyandotte Street	RM to CG
4030	09/15/00	1400 block of Cortland Street	RS to I
4039	11/08/00	Between Club & Pennsylvania Avenues	CS to RC
4083	08/21/01	Between Monocacy, Durham, Orchard and West Laurel	RM to I'
4099	11/20/01	New and Morton Streets	Institutional Overlay District
4174	02/18/03	Rezoning Lehigh Valley Hospital – Muhlenberg Campus	CM to I'
4183	04/01/03	Rezoning West Second Street and Union Station Plaza	HI to CB
4188	05/06/03	Rezoning Durkee Tract – W. side of 8 <sup>th</sup> Avenue	LI to IR & RT
4199	06/17/03	Rezoning Portion of Bethlehem Commerce Center – south side of Applebutter Road	HI to IR-F
4201	07/15/03	Rezoning Cherry Lane and Easton Road	HI to RM Overlay & CG
4205	08/19/03	Creek Road and Friedensville Road	RR Overlay #1
4260	07/20/04	Northwest corner of Arden and Ravena Streets	I to RG
4265	08/03/04	West side of Schoenersville Road	PI to CS
4276	10/05/04	Rezoning South Mountain	CS, RM and RG to RR
4302	01/04/05	West Side of Township Line Road	RR Overlay #2
4320	04/20/05	Portions of the CB Zoning District	CB to RM, RT
4343	10/18/05	East Fourth Street/Route 412 Vicinity	HI to IR
4374	03/07/06	Martin Towers, Eighth and Eaton Avenues	CM to CM-LTN OVERLAY
4391	09/20/06	Triangle between Schoenersville Road, and Eaton Avenue up to Eighth Avenue and abutting areas on Eaton and Eighth Avenues.	CM to CMU

4418  
4472

01/04/07  
02/19/08

625-633 Montclair Avenue  
LVIP Lands ear Emery Street and  
Route 412/Route I-78 interchange

I to RM  
HI to I-R

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THE CODIFIED  
ZONING ORDINANCE  
CITY OF BETHLEHEM



ORDINANCE NO. 2210  
EFFECTIVE SEPTEMBER 25, 1970  
AMENDED TO March 3, 2008