

## 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 and porches 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.

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, this regulation 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 similar features not over three (3) feet high above the floor of the ground story.

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-born 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 (2) 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.
- (h) 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.

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 accessways 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 Purveyance of Obscene Materials

The following development standards shall apply:

- (a) No such use shall be established within a one thousand (1,000) foot radius of any other such use.
- (b) No such use shall be established within five hundred (500) feet from the closest district boundary line of any residential district, or the property line of any school, church, park or playground.
- (c) No such use shall adversely affect the safe and comfortable enjoyment of properties in the neighborhood, be contrary to any program of neighborhood conservation, or detrimental to the general character of the neighborhood.
- (d) No signs or other structures shall be placed, erected, or used on the exterior of the premises except a sign which identifies, as opposed to advertises, the use therein. This sign shall not include any logo or other graphic display, suggestive language or display of any merchandise or material sold on the premises. The premises shall not be painted in garish colors or such other fashion as will effectuate the same purpose as such prohibited signs or structures.

1318.27 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.

1318.28 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





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.
- (4) 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 is: -----	----- The minimum lot area 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-Imperious Areas

Areas used to meet the non-imperious 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

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

- (1) No persons other than the owner occupant 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.