

CITY OF BETHLEHEM

Department of Community and Economic Development Interoffice Memo

TO: J. William Reynolds, City Council President
FROM: Darlene L. Heller, Director of Planning and Zoning
RE: Zoning Ordinance Amendments
DATE: January 28, 2015

Attached are Zoning Ordinance amendments that were reviewed by the Planning Commission at their January 8 meeting. They were acted upon as follows:

1. Article 1318.29, adding regulations for Solar Energy Collection. This amendment was originally forwarded to the Planning Bureau by the EAC for consideration. Our office met with EAC members and some minor revisions were made to the document before presenting it to the Planning Commission. This amendment is proposed to allow solar energy systems in all areas that are effective and yet blend with their surroundings. This amendment was recommended for approval by a 3 – 1 vote of the Planning Commission members.
2. Article 1306.01.a. adding a maximum impervious surface coverage of 75% to the RR and RS zoning districts. There are currently no impervious coverage requirements in any residential zoning district. This amendment proposes that a new maximum impervious coverage limit of 75% be added to our lowest density residential zones, RR and RS. This amendment was recommended for approval by a 3 – 1 vote of the Planning Commission members.
3. Article 1319.01.a, regarding off-street parking spaces. The CB (Central Business) zoning district has always been intended as a district where off-street parking will not be required because shared, public parking is provided in public parking lots and garages. This amendment recognizes that the public parking will also be provided for residential uses as originally intended. This amendment was recommended for approval by a 4 – 0 vote of the Planning Commission members.

Please have these amendments read into the record at an upcoming meeting for consideration. Feel free to contact our office if you want to discuss these amendments or need more information prior to the meeting.

DATE: _____

Darlene L. Heller, AICP
Director of Planning and Zoning

Cc: Mayor Robert Donchez
Council Members
A. Karner

M. Kloiber
W. Leeson
S. Borzak
T. Samuelson

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, TO INCLUDE REGULATIONS FOR SOLAR ENERGY DEVICES, ADDING DEFINITIONS AND REGULATIONS.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Add New Article 1302.08 (and re-number remaining definitions)

1302.08 Architecturally Integrated Device. A device that is integrated in, as distinguished from merely positioned on, the external surfaces of the shell of buildings or building structures.

SECTION 2. That the current Article 1318.27(d) and (e), which read

1318.27 Green Incentives.

- (d) Solar collection devices may extend a maximum of 15 feet above the maximum height limit and are a permitted by right use in all districts. Solar collection devices powering signs may extend 10 feet above the maximum height of the sign.
- (e) If solar collection devices are installed above vehicle parking, such solar structures shall not be regulated as part of building coverage.

Shall be deleted.

SECTION 3. Add new Article 1318.29 to read as follows:

1318.29 Solar Energy Collection Systems.

- (a) Purpose.
 - 1) To promote the use of Solar Energy Systems (SES) for the generation of electricity (photovoltaics), for water heating, space heating or cooling, and to obtain the benefits of solar energy as a renewable and clean energy source which enhances the reliability of the overall electrical power grid, reduces peak power demands, helps diversify Pennsylvania's energy supply portfolio, and helps reduce dependence on fossil fuels;

- 2) To promote the safe, effective, and efficient use of SES installed to reduce on-site consumption of energy, while protecting health, safety and welfare of adjacent and surrounding land uses;
 - 3) To provide for the land planning, installation, and construction of Solar Energy Systems in Bethlehem subject to reasonable conditions that will protect the public health, safety and welfare, and protect the historic character and resources of the City;
- (b) Design & Installation
- 1) This Article applies to solar energy systems to be installed and constructed after the effective date of this Ordinance.
 - 2) Solar energy systems constructed prior to the effective date of this Ordinance shall not be required to meet these requirements.
 - 3) Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of this Article.
 - 4) The use of solar energy systems are permitted as an Accessory Use in all zoning districts.
 - 5) Use of Solar Energy Systems is subject to the restraints imposed by the present development pattern and topography found inside the city limits of Bethlehem, plus zoning and height restrictions. Where a strict provision of the zoning ordinance may prohibit adequate Solar Access without Major Loss of Efficiency, the developer may apply to the City of Bethlehem Zoning Hearing Board for a variance. In addition to other relevant factors, the Zoning Hearing Board shall weigh the following factors in its evaluation:
 - i. Different levels of solar access
 - ii. Restrictiveness of ordinance with regard to height, bulk, setback, and related provisions.
 - iii. Local energy costs, topography, and aesthetics of the specific area or land tract proposed for solar access use.
 - iv. Characteristics of shading due to building and trees in determination of necessary solar access plane.
 - v. Identification of possible conflicts with solar access, including architectural or historic preservation requirements, steep slopes, low and moderate income housing restrictions, and individual landowner preferences.
 - 6) The Solar Energy System shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended and adopted by the City of Bethlehem.

- 7) The design of the Solar Energy System shall conform to applicable industry standards. To the extent reasonably possible, the design shall use materials, colors, textures, screening and landscaping that will blend the system into existing structures and environment.
- 8) Low slope roof: On low slope roof structures (i.e., roof structures not exceeding 25% slope), solar devices should be mounted with adequate set back so as to not be visible from any public way at ground level. Where this is not possible, solar devices should be located so as not to be visible from the front of the building or from major approaches at ground level.
- 9) Steep slope roof: On steep slope roof structures (i.e., roof structures exceeding 25% slope), solar devices should not be visible from the street, unless the device is an Architecturally Integrated Device. If the device must be visible (no other alternative is feasible without Major Loss of Efficiency of the system), the design of the solar system will be evaluated for approval by an authority having jurisdiction, if applicable, including the Historic Architectural Review Board (HARB) or Historic Conservation Commission (HCC), prior to installation. Flush mount of solar panels on sloped roofs should be utilized where possible.
- 10) All installers of Solar Energy Systems shall be on the Pa. Department of Environmental Protection's list of registered installers for the DEP Solar Sunshine program or shall establish to the satisfaction of the code official that they meet the certification standards of the North American Board of Certified Energy Practitioners (NABCEP).
- 11) In all cases, Solar Energy Systems shall be set back from roof edges and from the roof ridge line a minimum of three feet to provide safe access for firefighters and other emergency responders.
- 12) If solar collection devices are installed above vehicle parking, such solar structures shall not be regulated as part of building coverage.

(c) Setbacks and Height Restrictions

- 1) Roof mounted Solar Energy Systems must comply with all setback requirements for the zoning district in which it is installed.
- 2) Ground mounted SES must comply with accessory structure restrictions contained in the zoning district where it is installed; all exterior electric and/or plumbing lines must be buried below the surface of ground and placed in conduits.
- 3) All Solar Energy Systems shall be placed such that concentrated solar radiation or glare does not project onto nearby lot or roadways. The

applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses whether through siting or mitigation. Solar collection devices may extend a maximum of 15 feet above the maximum height limit and are a permitted by right use in all districts. Solar collection devices powering signs may extend 10 feet above the maximum height of the sign.

- 4) Solar Collection devices may extend a maximum of 15 feet above the maximum height limit and are a permitted by right use in all districts. Solar collection devices powering signs may extend 10 feet above the maximum height of the sign.
- 5) A solar energy system shall not be used to display advertising.

(d) Abandonment and Removal

- 1) Any Solar Energy System that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such system shall remove the same within 90 days of receipt of notice from the City of Bethlehem notifying the owner of such abandonment. Failure to remove an abandoned system within said 90 days shall be grounds to remove the system at the owner's expense and constitute a violation, subject to fines as outlined in this ordinance.

SECTION 4. All Ordinances and parts of Ordinances inconsistent herewith are, and the same are hereby repealed.

Sponsored by

PASSED finally in Council on the ____ day of _____,
20__.

President of Council

ATTEST:

City Clerk

This Ordinance approved this ____ day of _____,
20__.

Mayor

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 1319.01 OF THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, ENTITLED REQUIRED OFF-STREET PARKING SPACES.

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Article 1319.01 of the Zoning Ordinance, as amended, which reads:

1319.01 Required Off-Street Parking Space.

- (a) In the CB District, off-street parking meeting this Article shall only be required if 5 or more new dwelling units are proposed. In any district other than the CB District, 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: . . .

Be amended to read as follows:

1319.01 Required Off-Street Parking Space.

- (a) In any district other than the CB District, 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: Although off-street parking shall not be required in the CB District, any provided off-street parking shall conform with Article 1319 . . .

SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by

PASSED finally in Council on the _____ day of _____, 20____.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 20____.

Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 1306.01(a) OF THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, ENTITLED DIMENSIONAL REGULATIONS FOR THE R-R RESIDENTIAL DISTRICT, CREATING A MAXIMUM IMPERVIOUS COVERAGE IN THE R-R AND R-S DISTRICTS

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That current Section 1306.01.a of the Zoning Ordinance, as amended, shall be amended to include the following:

1306.01.a. Dimensional Regulations for Residential Districts.

The following new column shall be added to the RR and RS Residential District Categories:

Maximum Impervious Coverage

The following amount shall be added to the uses in the RR and RS Residential District Category:

75%

SECTION 2. All ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by _____

PASSED finally in Council on the ____ day of _____, 2014.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2014.

Mayor