

# CITY OF BETHLEHEM

## Department of Community and Economic Development Interoffice Memo

**TO:** Planning Commission members

**FROM:** Darlene L. Heller, Director of Planning and Zoning

**RE:** Proposed Zoning Text Amendments related to commercial uses on the first floor in CB and CL zoning districts.

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Attached is a draft of Zoning Ordinance text amendments to require specific commercial uses in first floor storefront locations in the CB and the CL zoning districts.

The current Zoning Ordinance requires that only retail, restaurant or personal service uses are permitted in first floor storefront locations in the CB (Central Business) and CL (Limited Commercial) zoning districts. These requirements were added in 2018 to ensure a vibrant, active mix of uses in the core commercial areas that provide an interesting experience for pedestrians and visitors. Residential, office and other uses are permitted on upper floors or on the first floor of local streets, but not in storefront areas.

A zoning appeal was recently pursued claiming ambiguity in the ordinance and stating that it was unclear whether the provision applied to both office and residential buildings. This amendment is proposed to clarify that the provision does in fact apply to all buildings in the CB district.


Since 2018, we have also noted that the requirement for first floor restaurant, retail or personal service uses has sometimes been burdensome and impractical in the CL Zoning District which includes areas such as East and West Broad Street and East Fourth Street. The amendment, therefore, requires a commercial use in the first floor storefront area in CL, and allows a broader range of uses in the CL commercial areas that are more neighborhood oriented.

This item is placed on your August 13 Planning Commission agenda for consideration. We request that you act on the proposal to send a recommendation for approval to city council. We can discuss the proposal in more detail at the meeting.

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CC: T. Samuelson  
A. Karner  
Mayor Donchez  
E. Healy

DATE: 8-6-20

  
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Darlene L. Heller  
Director Planning and Zoning

BILL NO. – 2020

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE IN SECTIONS 1305 AND 1306 TO AMEND PROVISIONS FOR COMMERCIAL USES ON THE FIRST FLOOR IN CB AND CL ZONING DISTRICTS.

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

SECTION 1. That in Article 1305.01(a) of the Zoning Ordinance titled Allowed Uses in Primarily Non-Residential Districts, Residential Uses, which currently reads that:

- Multi-family Dwellings (S. 1322), other than conversions of an existing one family dwelling into 2 or more dwellings located in the CL Zoning District shall comply with ~~Note 4~~ of the Use Chart.

Shall be amended to read as follows:

- Multi-Family Dwellings (S. 1322), other than conversions of an existing one family dwelling into 2 or more dwellings located in the CL Zoning District shall comply with Note 1 of the Use Chart.

SECTION 2. That in Article 1305.01(a) of the Zoning Ordinance titled Allowed Uses in Non-Residential Zoning Districts, Residential Uses, which currently reads that:

- Boarding House (includes Rooming House) (S. 1322) located in the CB Zoning District shall comply with ~~Note 4~~ of the Use Chart.

Shall be amended to read as follows:

- Boarding House (includes Rooming House) (S. 1322) located in the CB Zoning District shall comply with Note 4 of the Use Chart.

SECTION 3. That in Article 1305.01(a) of the Zoning Ordinance titled Allowed Uses in Non-Residential Zoning Districts, Residential Uses, which currently reads that:

- Dormitories or other Housing Owned or Operated by a College or University and Limited to Occupancy by Students or Staff of the College or University (in addition to the housing listed above) located in the CB Zoning District shall comply with ~~Note 1~~ of the Use Chart.

Shall be amended to read as follows:

- Dormitories or other Housing Owned or Operated by a College or University and Limited to Occupancy by Students or Staff of the College or University (in addition to the housing listed above) located in the CB Zoning District shall comply with Note 4 of the Use Chart.

SECTION 4: That in Article 1305.01(b), (c), (d) and (e) titled Allowed Uses in the Non-Residential Districts, Note 1, which currently reads:

- All retail and service uses must be enclosed within a building.

Shall be amended to read as follows:

- All retail and service uses must be enclosed within a building. In the CB Zoning District all permitted uses shall include a principal retail, restaurant or personal service use on the front street level. An office use, professional or otherwise, shall not be permitted on the front street level in the CB Zoning District. In the CL Zoning District a principal commercial use shall be located in the front street level. This requirement of Note 1 shall not apply to buildings fronting on local streets.

SECTION 5. All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by \_\_\_\_\_

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PASSED finally in Council on the      day of      , 2020.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

This Ordinance approved this      day of      , 2020.

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Mayor