

July 20, 2021

PUBLIC HEARING

**Privately-proposed Zoning Text Amendment
Martin Tower Site, 1170 8th Avenue, Bethlehem, PA**

Bill No. 16-2021, as amended by June 15, 2021
Council-initiated amendment

DRAFT ORDINANCE

Bill 16-2021, as amended on June 15, 2021
by Council-initiated amendment

BILL NO. 16-2021

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING PART 13 OF THE CODIFIED ORDINANCES RELATING TO ZONING WITH RESPECT TO PROPERTIES IN THE OMU DISTRICT BY AMENDING SECTION 1311(a)-(b) PERTAINING TO THE CONFIGURATION OF OFF-STREET PARKING AND DRIVEWAY ACCESS ONTO ARTERIAL STREETS AND SECTION 1314.02(b)(5) TO LESSEN THE MINIMUM REAR YARD SETBACK.

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

SECTION 1. That in Article 1311.08(a) of the Zoning Ordinance, which currently reads that:

No new off-street parking spaces shall be placed between a principal building and the curb line of an arterial street along the front of the lot. Existing parking spaces may be rearranged, provided they do not result in an increase in off-street parking spaces in such location. ~~In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to one (1) driving aisle and one (1) row of parking spaces.~~

Shall be amended to read:

No new off-street parking spaces shall be placed between a principal building and the curb line of an arterial street along the front of the lot. Existing parking spaces may be rearranged, provided they do not result in an increase in off-street parking spaces in such location. In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to two (2) driving aisles and four (4) rows of parking spaces.

SECTION 2. That in Article 1311.08(b) of the Zoning Ordinance, which currently reads that:

No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street.

Shall be amended to read:

No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street. Article 1311.08(b) does not apply to the OMU District.

SECTION 3. That in Article 1314.02(b)(5) of the Zoning Ordinance, which currently reads:

Minimum Rear Yard Setback 30 Feet***

Shall be amended to read:

Minimum Rear Yard Setback 20 Feet***

SECTION 4. All Ordinances and parts of Ordinances inconsistent herewith be and hereby are repealed.

Sponsored by _____

PASSED finally in Council on the ____ day of _____, 2021.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2021.

Mayor

COUNCIL-INITIATED AMENDMENT TO BILL 16-2021
PASSED IN CITY COUNCIL ON JUNE 15, 2021

BILL NO. 16-2021

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING PART 13 OF THE CODIFIED ORDINANCES RELATING TO ZONING WITH RESPECT TO PROPERTIES IN THE OMU DISTRICT BY AMENDING SECTION 1311.08(a)-(b) PERTAINING TO THE CONFIGURATION OF OFF-STREET PARKING AND DRIVEWAY ACCESS ONTO ARTERIAL STREETS AND SECTION 1314.02(b)(5) TO LESSEN THE MINIMUM REAR YARD SETBACK.

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Shall be amended to read:

No new off-street parking spaces shall be placed between a principal building and the curb line of an arterial street along the front of the lot. Existing parking spaces may be rearranged, provided they do not result in an increase in off-street parking spaces in such location. ~~Article 1311.08(a) does not apply to the OMU District.~~ In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to two (2) driving aisles and four (4) rows of parking spaces.

SECTION 2. That in Article 1311.08(b) of the Zoning Ordinance, which currently reads that:

No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street.

Colón Amendment, passed June 15, 2021, amending Bill 16-2021 (Martin Tower Zoning Text Amendment)

Colón Amendment Deletions: ~~Red-strikethrough~~

Colón Amendment Insertions: Blue underline

Shall be amended to read:

No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street. Article 1311.08(b) does not apply to the OMU District.

SECTION 3. That in Article 1314.02(b)(5) of the Zoning Ordinance, which currently reads:

Minimum Rear Yard Setback ~~30~~ Feet***

Shall be amended to read:

Minimum Rear Yard Setback 20 Feet***

SECTION 4. All Ordinances and parts of Ordinances inconsistent herewith be and hereby are repealed.

Sponsored by _____

PASSED finally in Council on the ____ day of _____, 2021.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2021.

Mayor

AMENDMENT SPONSORS

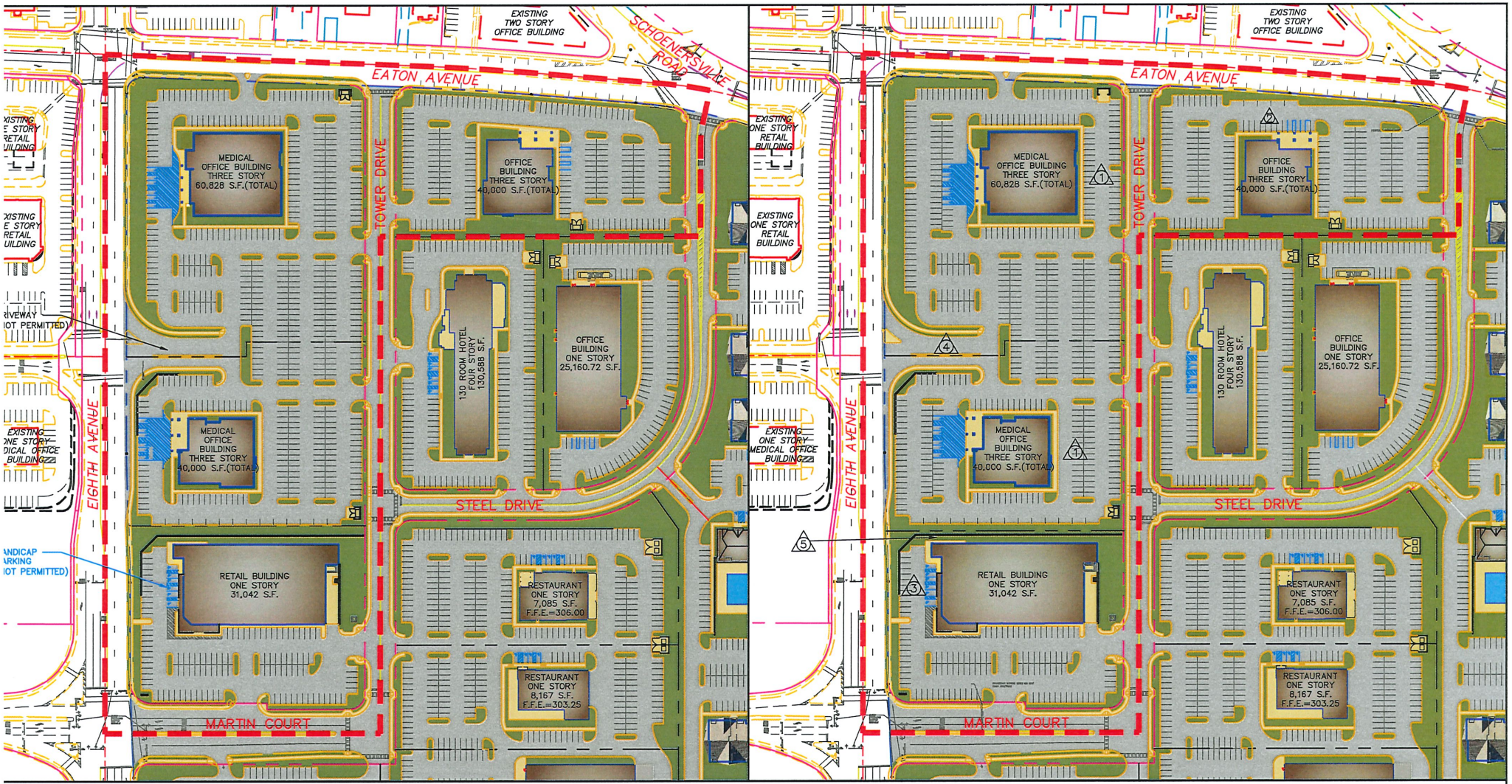
/s/ Michael G. Colón

/s/ Adam R. Waldron

SITE PLAN MAPS (DRAFT)

Draft maps illustrate the anticipated effects of the originally-proposed zoning text amendment.

They are current as of April 20, 2021.



LEGEND **BUILDING PLACEMENT PER CURRENT ZONING ORDINANCE**

- ① BUILDING MOVED EAST(PARAGRAPH 7 OF PETITION)
- ② BUILDING MOVED SOUTH(PARAGRAPH 7 OF PETITION)
- ③ PERMITTED HANDICAPPED PARKING(PARAGRAPH 7 OF PETITION)
- ④ NEW DRIVEWAY(PARAGRAPH 8 OF PETITION)
- ⑤ REAR YARD SETBACK(PARAGRAPH 9 OF PETITION)

BUILDING PLACEMENT PER PETITIONER'S AMENDMENT REQUEST

REVISIONS		DATE	
		3/1/21	
NO.	DATE	DESCRIPTION	BY

DMS
 REAL ESTATE DESIGNS AND PLANS
 190 BRODHEAD ROAD, SUITE 110
 BETHLEHEM, PA 18017
 PHONE: (610) 993-8206
 FAX: (610) 921-3495

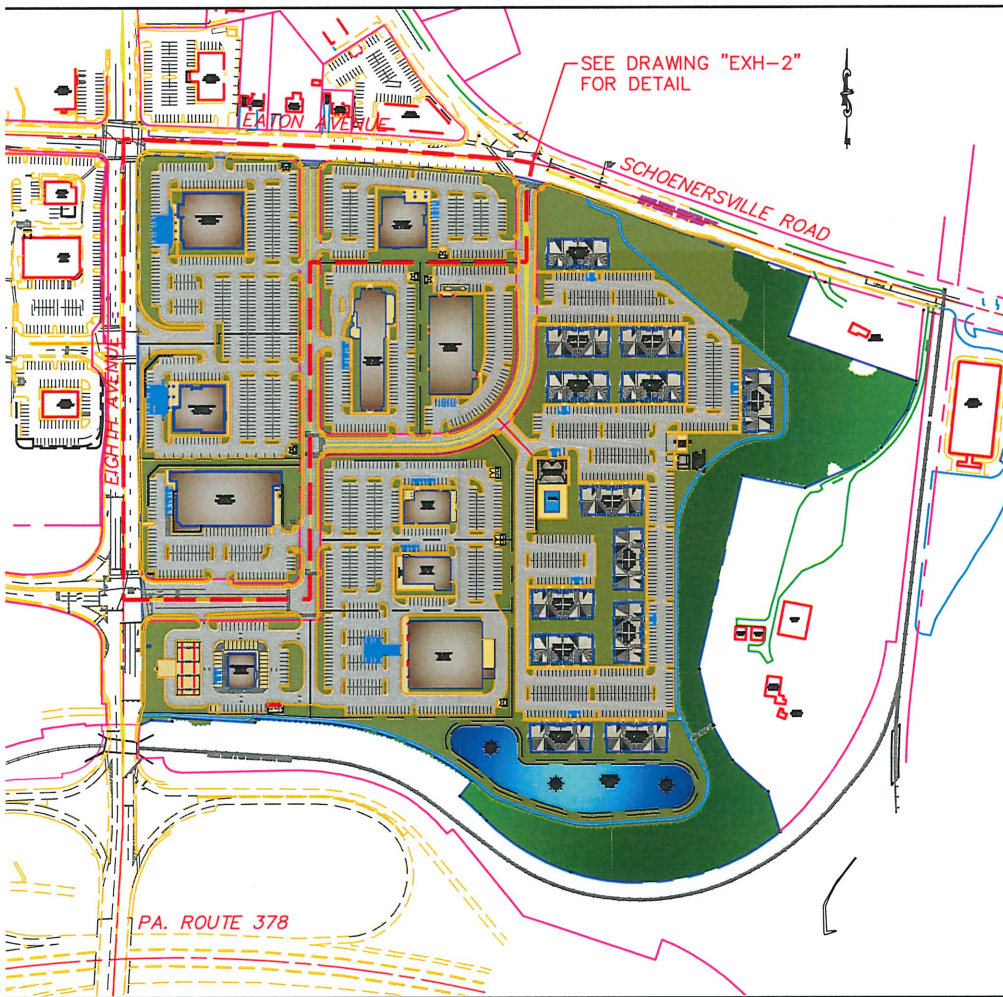
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MARTIN TOWER REDEVELOPMENT
ZONING AMENDMENT PETITION
FOR
1170 EIGHTH AVENUE

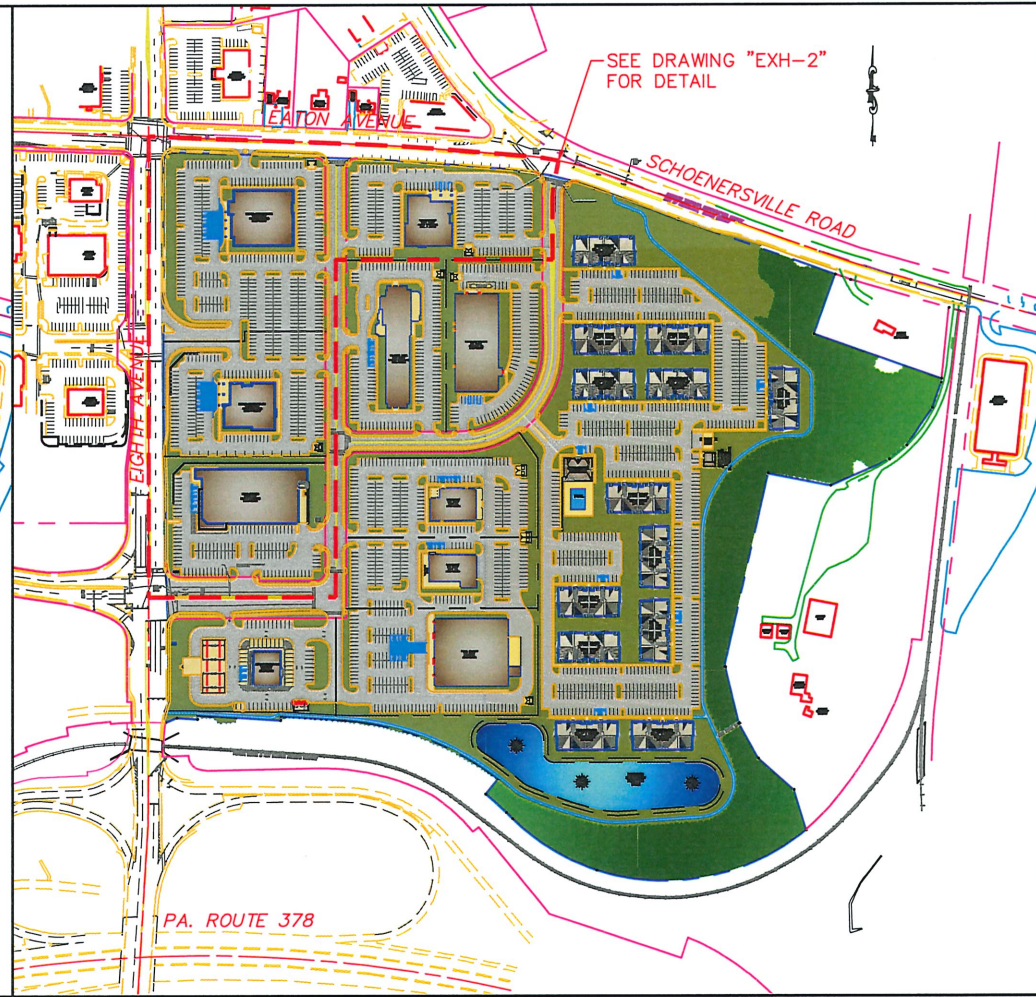
13th WARD, CITY OF BETHLEHEM
 LEHIGH COUNTY
 PENNSYLVANIA

DRAWING NUMBER:
EXH-2

SHEET:
2 OF 2



BUILDING PLACEMENT PER
CURRENT ZONING ORDINANCE



BUILDING PLACEMENT PER
PETITIONER'S AMENDMENT REQUEST

REVISIONS		DATE
NO.	DATE	DESCRIPTION

DMS
design • plans • permits

REAL ESTATE DESIGNS AND PLANS
190 BROOKEAD ROAD, SUITE 110
BETHLEHEM, PA 18017
PHONE: (610) 993-8200
FAX: (610) 821-3495

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MARTIN TOWER REDEVELOPMENT
ZONING AMENDMENT PETITION
FOR
1170 EIGHTH AVENUE

13th WARD, CITY OF BETHLEHEM
LEHIGH COUNTY
PENNSYLVANIA

DRAWING NUMBER:
EXH-1

SHEET:
1 OF 2

ZONING TEXT AMENDMENT PETITION
PRESENTED AT PUBLIC HEARING IN CITY COUNCIL ON APRIL 20, 2021

**RMLP-MT, LP
190 BROADHEAD ROAD, SUITE 110
BETHLEHEM, PA 18017**

February 15, 2021

VIA EMAIL: cityclerk@bethlehem-pa.gov

Mr. Robert Vidoni, Esq., City Clerk
Offices of Bethlehem City Council
10 E. Church Street
Bethlehem, PA 18018

RE: Petition for Zoning Ordinance Text Amendment
Martin Tower Property – 1170 8th Avenue

Re: Petition for Zoning Text Amendment

Dear Mr. Vidoni:

Enclosed please find the Petition of SWB LR, Ltd., 8th & Eaton Holdings, LP, HMLP-MT Limited Partnership and RMLP-MT, LP (collectively “Petitioner”) for a text amendments to provisions affecting the OMU Zoning District of the City's Zoning Ordinance.

Petitioner is requesting amendments to Z.O. Sections 1311.08(a) to permit additional parking to be placed between a building and the curb line of an arterial street; 1311.08(b) to permit a new [signalized] driveway entering/existing onto an arterial street; and 1314.02(b)(5) to reduce the Rear Yard Setback from 30 Feet to 20 Feet.

Also enclosed are Plan Exhibits providing a side-by-side depiction of the current zoning conditions as compared to the conditions permitted by the requested Amendment.

If you have any questions or need any additional information, please do not hesitate to contact me at 610.972.2008 or LDRonca@RoncaDevelopment.com

Sincerely,

A handwritten signature in blue ink, appearing to read 'LDR', is written over a horizontal line.

Lewis D. Ronca

PETITION TO THE CITY COUNCIL OF THE CITY OF BETHLEHEM
FOR AMENDMENT TO THE CITY'S ZONING ORDINANCE

AND NOW comes SWB LR, Ltd., 8th & Eaton Holdings, LP, HMLP-MT Limited Partnership and RMLP-MT, LP (collectively "Petitioner"), to Petition City Council for a revision to the text of the City's Zoning Ordinance as more particularly set forth herein:

1. Petitioner maintains a principal place of business at 2 Ridgedale Avenue, Suite 370, Cedar Knolls, New Jersey 07927.
2. Petitioner owns real property in the City of Bethlehem, more particularly identified as Lehigh County Parcel Identification Numbers 642821195996 and 642821984399, collectively containing approximately 52 acres and located at 1170 8th Avenue ("Subject Property").
3. The Subject Property, which was formerly used as the Bethlehem Steel Corporation world headquarters, is currently vacant and ready for redevelopment.
4. The Subject Property is zoned OMU (Office Mixed Use).
5. The Subject Property will be subdivided into multiple lots, each of which will be under separate fee ownership and use.
6. The Subject Property fronts on 8th Avenue, Eaton Avenue, and Schoenersville Road, each of which is designated an "arterial" street.
7. Section 1311.08(a) of the City of Bethlehem Zoning Ordinance states: "In the OMU District, parking spaces *placed* between a principal commercial building and the curb line of an arterial street along the front of the lot shall be *limited to one (1) driving aisle and one (1) row of parking spaces.*"

a Petitioner proposes to develop two large 3-story Medical Office Buildings and a Grocery Store along the 8th Avenue frontage, and a Profession Office Building along the Eaton Avenue frontage.

b The parking space *placement* limitation set forth in Z.O. § 1311.08(a) will result in poor vehicular circulation around the Medical Office Buildings and poor accessibility to the drop-off entry canopy facing the arterial street. Furthermore, the parking space *placement* limitation causes the majority of the parking spaces to be at the rear of the building, such that patrons, the majority of which are elderly, are required to walk a great distance to enter the facilities.

c The parking space *placement* limitation set forth in Z.O. § 1311.08(a) will result in the loss of parking spaces, including required handicap parking adjacent to the entry of the Grocery Store.

d The parking space *placement* limitation set forth in Z.O. § 1311.08(a) will result in the loss of parking spaces at the Professional Office Building.

e The parking space *placement* limitation set forth in Z.O. § 1311.08(a) is generally inconsistent with most of the properties in the vicinity of the Subject Property, many of which were developed or redeveloped in recent years.

8. Section 1311.08(b) of the City of Bethlehem Zoning Ordinance states: “No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street.

a Petitioner proposes to develop the east leg of the existing 3-way signalized intersection on 8th Avenue to create a 4-way signalized intersection, the east leg of which will provide direct access from 8th Avenue to the Medical Office Buildings.

b Direct access by way of the signalized intersection will be controlled and, therefore, will not result in the dangerous or undesirable condition Z.O. § 1311.08(b) is intended to prevent – namely multiple uncontrolled access ingress/egress points along an arterial street.

9. Section 1314.02(b)(5) states: Minimum Rear Yard Setback – 30 Feet***

a Petitioner’s intended development plan results in multiple “Corner” lots.

b Depending on which street is determined to be the “Front” yard of a lot, the opposing lot line, which would otherwise be deemed a “Side” yard (with a lesser setback distance), would be the “Rear” yard.

c Petitioner proposes to reduce the current 30 Feet requirement to 20 Feet.

10. The zoning amendment proposed by Petitioner revises the text of Z.O. § 1311.08(a), 1311.08(b) and 1314.02(b)(5).

11. Attached hereto as Exhibit “A” is the current version of Z.O. § 1311.08(a) marked to show the revisions proposed by Petitioner.

12. Attached hereto as Exhibit “A-1” is the final version of the amended § 1311.08(a) that incorporates the revisions identified in Exhibit “A” and sets forth the requested zoning amendment.

13. Attached hereto as Exhibit "B" is the current version of Z.O. § 1311.08(a) marked to show the revisions proposed by Petitioner.

14. Attached hereto as Exhibit "B-1" is the final version of the amended § 1311.08(b) that incorporates the revisions identified in Exhibit "B" and sets forth the requested zoning amendment.

15. Attached hereto as Exhibit "C" is the current version of Z.O. § 1314.02(b) marked to show the revisions proposed by Petitioner.

16. Attached hereto as Exhibit "C-1" is the final version of the amended § 1314.02(b) that incorporates the revisions identified in Exhibit "C" and sets forth the requested zoning amendment.


17. The proposed amendment will allow more than one (1) row of parking and one (1) drive aisle between to be placed between a principal commercial building and the curb line of an arterial street within the OMU District, and in a configuration consistent with most other developed properties in the vicinity of the Subject Property.

18. The proposed amendment will allow for a new driveway entering or existing onto an arterial street within the OMU District.

19. The proposed amendment will reduce the Minimum Rear Yard Setback distance to be more consistent with a Side Yard Setback distance for Corner lots.

Wherefore, Petitioner respectfully requests that City Council revise the City's Zoning Ordinance by amending the text of Zoning Ordinance Sections 1311.08(a), 1311.08(b) and 1314.02(b) as indicated on the Exhibits attached hereto.

PETITIONER:

By: 

Lewis D. Ronca

Date: February 15, 2021

Exhibit "A"

1311.08 Parking & Driveways.

- (a) No new off-street parking spaces shall be placed between a principal building and the curb line of an arterial street along the front of the lot. Existing parking spaces may be rearranged, provided they do not result in an increase in off-street parking spaces in such location. ~~In the OMU District, parking spaces placed between a principal commercial building and the curb line of an arterial street along the front of the lot shall be limited to one (1) driving aisle and one (1) row of parking spaces. (Amended 12/16/15, Ord. 2015-39) Article 1311.08(a) does not apply to the OMU District (Amended 00/00/00, Ord. 2021-00).~~

Exhibit "A-1"

1311.08 Parking & Driveways.

- (a) No new off-street parking spaces shall be placed between a principal building and the curb line of an arterial street along the front of the lot. Existing parking spaces may be rearranged, provided they do not result in an increase in off-street parking spaces in such location. ~~Article 1311.08(a) does not apply to the OMU District (Amended 00/00/00, Ord. 2021-00).~~

Exhibit “B”

1311.08 Parking & Driveways.

- (b) No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street. Article 1311.08(b) does not apply to the OMU District (Amended 00/00/00, Ord. 2021-00).

Exhibit “B-1”

1311.08 Parking & Driveways.

- (b) No new vehicle driveway shall enter or exit onto an arterial street, unless the applicant proves that no feasible alternative exists, such as use of alleys or a side street. Article 1311.08(b) does not apply to the OMU District (Amended 00/00/00, Ord. 2021-00).

Exhibit "C"

1314.02 Area, Yard and Building Regulations.

- (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 in the District prior to the enactment of this Overlay District:

(1) Minimum Lot Size	0.5 Acres ***
(2) Minimum Lot Width	30 Feet ***
(3) Minimum Building Setback from the Perimeter of the Tract and from Rights-of-Way of Existing Public Streets	25 Feet except along Schoenersville Road and Eaton Avenue where the minimum building setback shall be 40 feet
(4) Front Yard Setback	5 Feet***
(5) Minimum Rear Yard Setback	30-20 Feet***
(6) Minimum Side Yard Setback	10 Feet (Each)***, except that a 35 Feet minimum separation from any Other building shall be required for a Building that includes 4 or more stories
(7) Maximum Building Height	4 habitable stories. ** In addition, a building may have a maximum of one above-ground parking level.
(8) Maximum Building Coverage	60%
(9) Buffer Yard Required	No
(10) Site Plan Review by City	Yes

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

** A building may exceed 4 habitable stories if the following additional setback requirement is met from any District boundary line other than Eighth Avenue: for each foot of building height over 50 feet, two additional feet of building setback shall be required. 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, roof overhang or stoop, steps or handicapped ramp, awning, bay window, or pedestrian arcade may intrude up to 5 feet into the minimum front or side yards.

Exhibit “C-1”

1314.02 Area, Yard and Building Regulations.

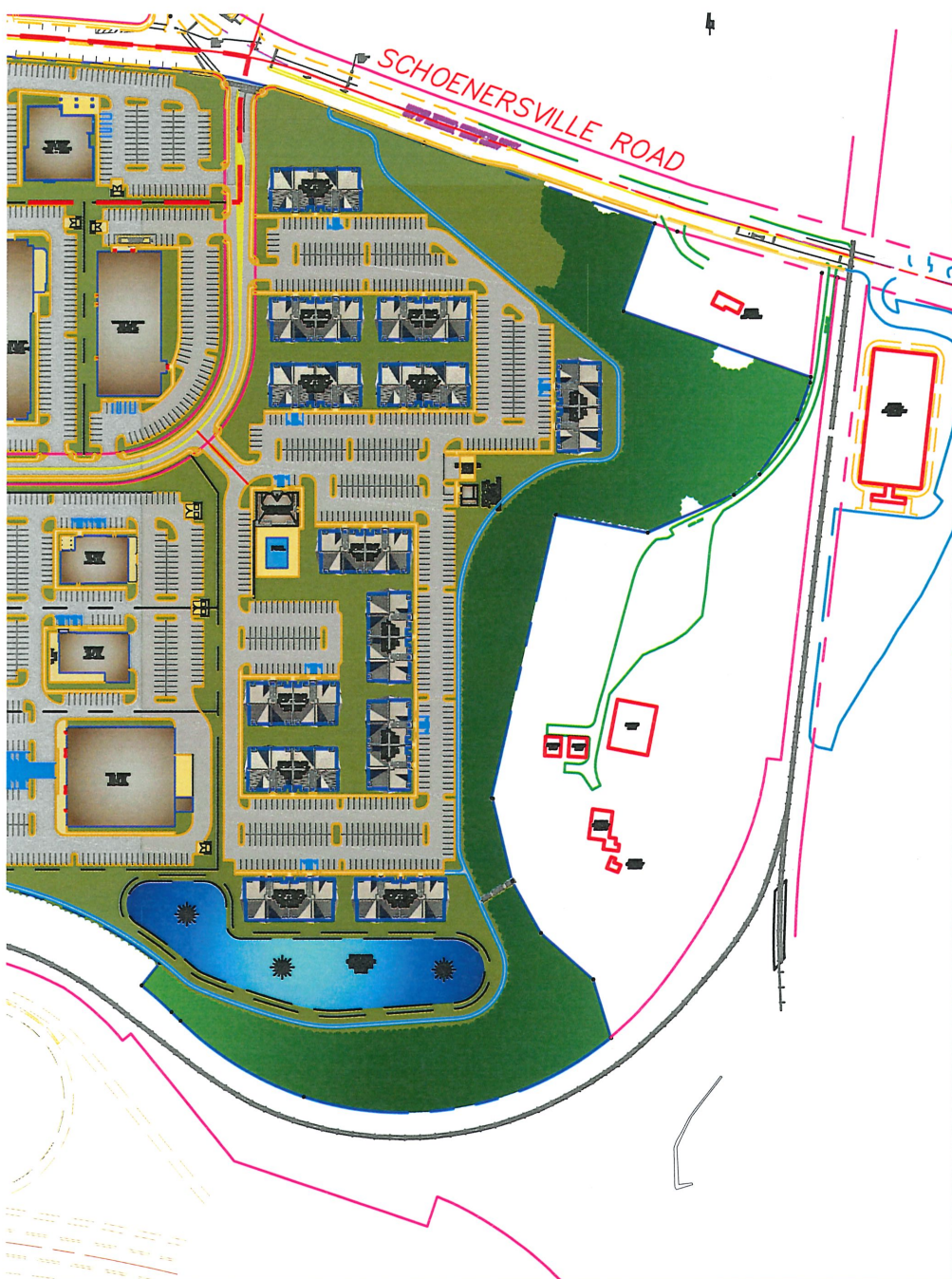
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(17) Maximum Building Height	4 habitable stories. ** In addition, a building may have a maximum of one above-ground parking level.
(18) Maximum Building Coverage	60%
(19) Buffer Yard Required	No
(20) Site Plan Review by City	Yes

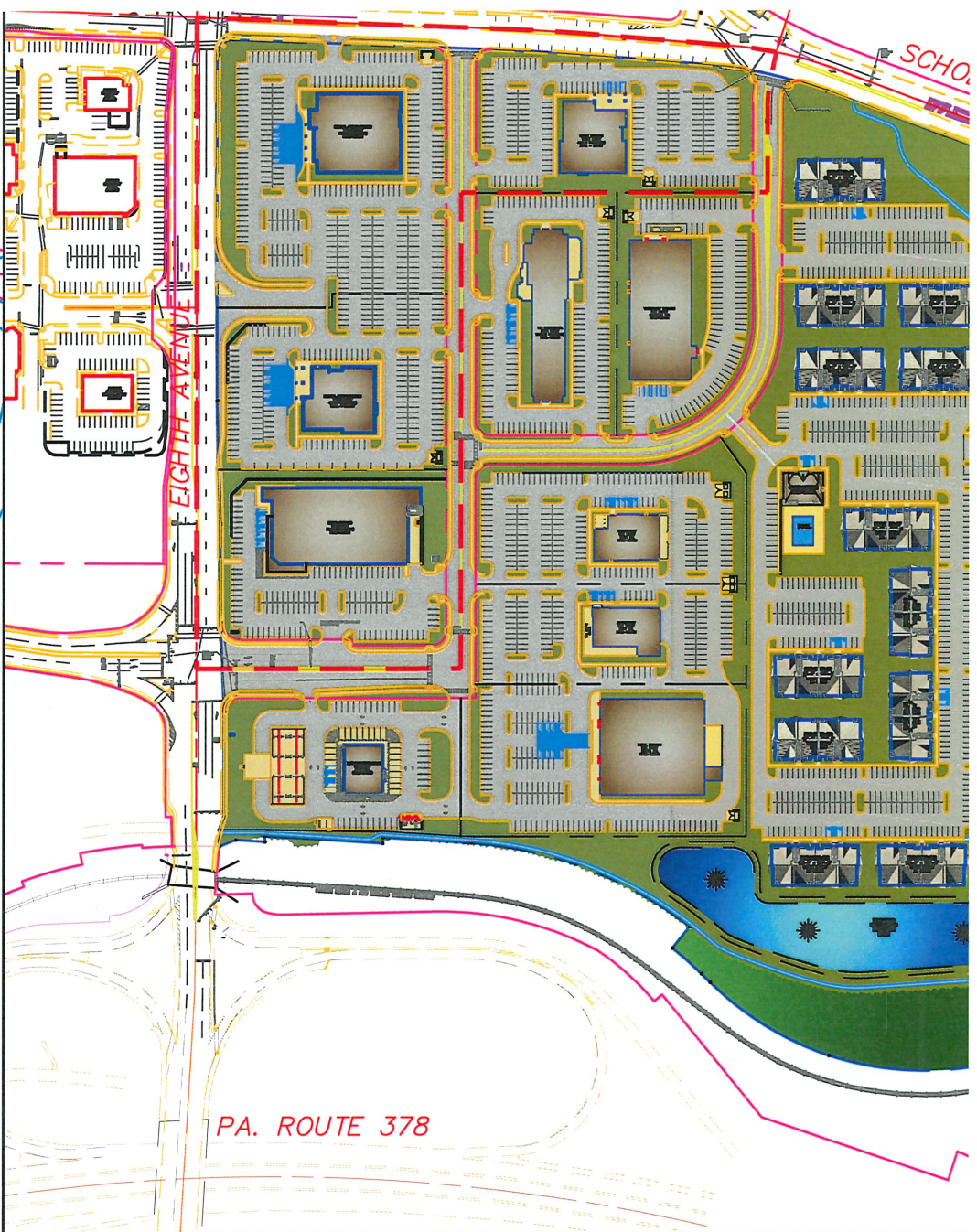
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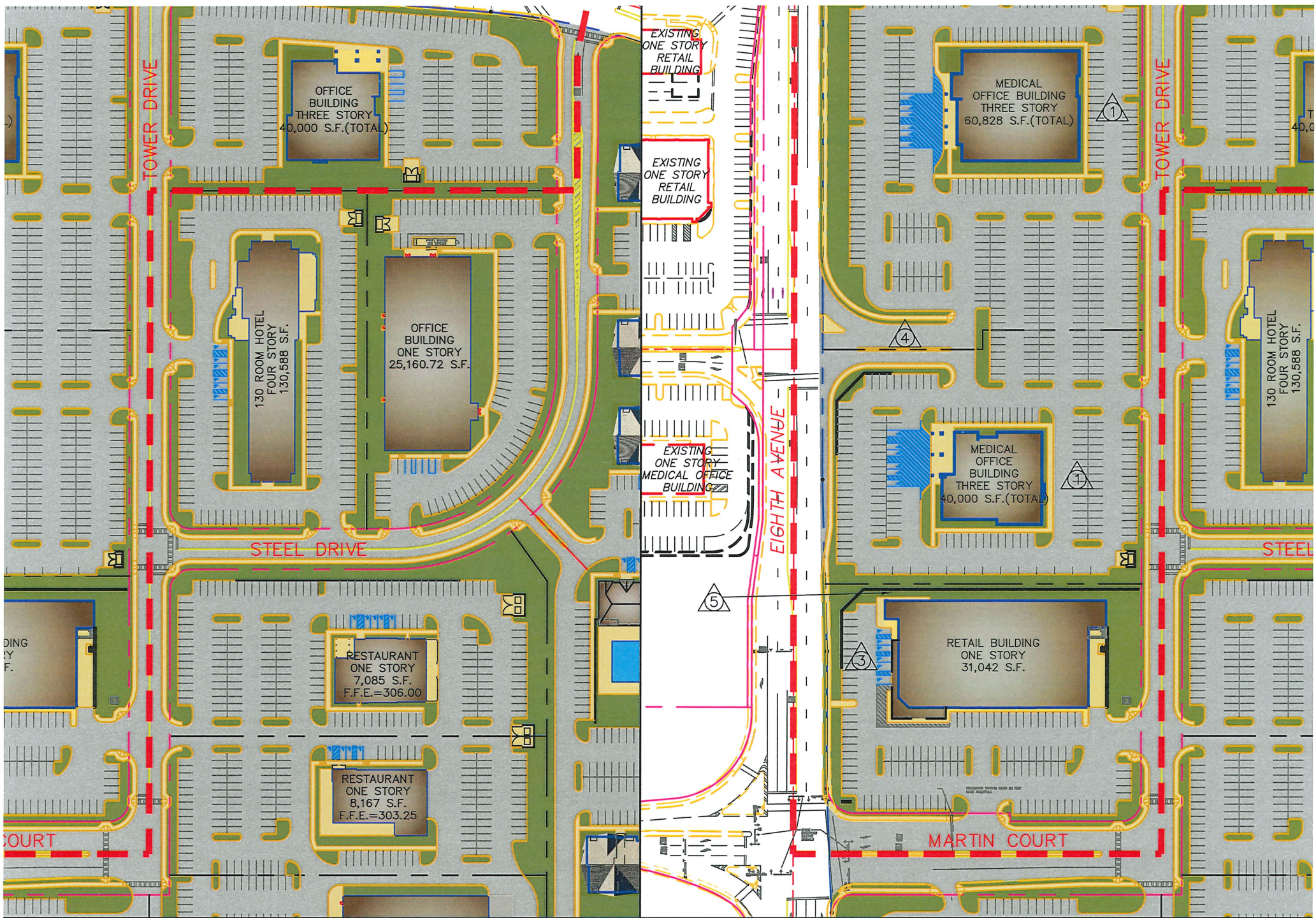
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BUILDING PLACEMENT PER
CURRENT ZONING ORDINANCE



BUILDING PLACEMENT PER
PETITIONER'S AMENDMENT REQ



BUILDING PLACEMENT PER
EXISTING ZONING ORDINANCE

BUILDING PLACEMENT PER
PETITIONER'S AMENDMENT REQ