

BILL NO. 39-2022

**ORDINANCE NO. 2022-**

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM AT PART 13 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM – MISCELLANEOUS.

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

SECTION 1. Article 1306.05 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions except where underlined in existing ordinance, whereas ~~strikeouts~~ denote deletions):

Build-To Line for Front Building Setback. In the RT, CL or CB districts, where more than 70 percent of the lots on the same side of a block are already developed with principal buildings, and the block includes more than 3 lots, and where the Zoning Officer determines that a minimum of 60 percent of the lots on the same side of the block have a front yard building setback that is consistent or that varies by no more than 5 feet from the average existing front yard setback along such block, then if a new principal building is proposed, the front building wall of such new building shall have a front yard building setback that is not more than 5 feet greater ~~larger~~ and not more less than 5 feet less ~~smaller~~ than such average front yard setback.

SECTION 2. Article 1318.06(e) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

A utility pole, porch post or a pole for a permitted sign may be located within a clear sight triangle provided it does not have a diameter greater than 20 inches. A trunk of a tree may be located in a clear sight triangle, provided the landowner regularly trims the branches to minimize sight obstructions below 10 feet in height. An open chain link fence or a fence with similar through-visibility may be allowed within a sight triangle.

SECTION 3. Article 1322.03(s)(4) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (4) A drive-through window shall not be placed on a wall of building that faces onto a public street. To the maximum extent feasible, drive-through windows shall be placed to the rear of the building, with a location to the side of the building being used if the rear is not feasible. If the drive-through is proposed at any location other than the rear of a building, then the ~~The~~ design of the drive-through shall be subject to site plan review by the City Planning Commission.

SECTION 4. Article 1319.01(a)(1) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (ii) Multi-family dwellings/ apartments with two or fewer bedrooms - one and one-half ~~three-quarter~~ parking spaces for each dwelling unit. If existing and 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 to result in a total minimum of ~~two~~ 1.75 spaces per dwelling unit.
- (iii) If the dwelling units noted in subsection (a)(1)(ii) of this Article 1319.01 are workforce units, then one parking space is required for each dwelling unit. See Article 1307 for a definition of workforce units and the manner in which the units will be calculated and monitored.

SECTION 5. Article 1320.09(a)(2)(ii) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (ii) The total area of all combined wall and projecting signs shall not exceed 20 percent of the area of the exterior building face (including window and door area and cornices) to which they are attached. Wall signs shall be allowed on a rear wall that faces onto adjacent dwellings in a residential district, but shall not exceed 6 square feet and ~~plus~~ shall not be illuminated. In no case, however, shall the total area of all signs on a building wall exceed 200 square feet in the ~~CB and~~ CL districts.

SECTION 6. Article 1322.03.11(5)(i) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (i) Except within the RT, IR-R, CB and CL zoning districts, all parking spaces and access drives shall be at least 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 7. Article 1322.03.11(7)(i) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (i) [~~Reserved.~~] ~~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 foot for each one foot in height of the building over 35 feet.~~

SECTION 8. Article 1325.02 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

The Zoning Hearing Board shall consist of five regular members appointed by the Mayor with the advice and consent of City Council for 5 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 elected or appointed office in the City, nor shall any member of the Board be an employee of 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.~~ Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of City Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. The compensation of each member of said Board shall be set by Resolution of City Council. Compensation shall be paid by the City in conformance with such Resolution.

SECTION 9. Article 1326.02 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

1326.02 Who May Initiate. Proposals for amendment or repeal may be initiated by City Council on its own motion, by the Planning Commission, by the Planning and Zoning Bureau, or by petition of one or more citizens, subject to the following provisions:

SECTION 10. Article 1326.02 of the Zoning Ordinance shall be amended by adding a new subsection (c) as follows (underlined text denotes additions):

(c) Proposals originated by the Planning and Zoning Bureau. Every proposed amendment or repeal originated by the Planning and Zoning Bureau shall be referred 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 should 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 not by itself delay a hearing.

The existing subsections (c) and (d) shall be renumbered (d) and (e), respectively.

SECTION 11. Article 1327.01 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

(b) The provisions of Articles 1302.127 and 1327 shall only apply to any new Student Home "~~student home~~" use commenced on or after March 23, 2021 ~~the effective date of this Ordinance~~.

(c) New Regulated Rental Units or Student Homes will only be allowed in the CB, CL, IR-R or SH Overlay District ~~Student Housing Overlay district~~. Pre-existing Regulated Rental uses, regardless of whether or not they fall in the CB, CL, IR-R or SH Overlay District ~~Student Housing Overlay district or not~~, shall continue to have non-conforming use status so long as they maintain a current license and successfully pass an annual inspection under Article 1739.

SECTION 12. That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

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

\_\_\_\_\_

Passed finally in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor