

# CITY OF BETHLEHEM

## Department of Community and Economic Development

### Interoffice Memo

**TO:** Michael Colon, City Council President

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

**RE:** Zoning Text Amendment – Four Amendments –  
Definitions  
Industrial Redevelopment and Industrial Redevelopment-Residential Overlay  
Miscellaneous revisions  
Design Standards  
Industrial Overlay District

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At their April 14, 2022 meeting the Planning Commission voted unanimously to recommend that City Council support the above-noted proposed Zoning Ordinance amendments with three minor revisions. Each of the revisions is found in the Miscellaneous zoning amendment and they read as follows (the Planning Commission's recommended revisions are bolded in the excerpt below):

- Miscellaneous ordinance Section 4(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.

Our office supports the two above proposed revisions and so they are added to the attached recommended zoning amendments.

The third recommended change from the Planning Commission comes from Section 6 of the Miscellaneous Amendment and adds RG to a section of the Zoning Ordinance requiring additional green space between a principle building and proposed parking. It reads as follows (the Planning Commission's recommended revision is bolded in the excerpt below):

- Miscellaneous ordinance Section 6. Except within the **RG, 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.

Because the RG (Medium Density Residential) zoning district is less dense than RT, IR-R, CB, and CL districts it is typically feasible to provide the 15 feet of greenspace in the RG zoning district. It is understood that in the denser areas of the City it is often not feasible to provide additional greenspace. The denser areas of the City allow for 0 front yard setbacks and typically

the 15 feet of greenspace is not feasible. In addition, parking on the same lot is sometimes not required in the denser zoning districts. Therefore, there is a clear distinction between the RG zoning district and the other districts listed as exempted from this 15 foot requirement. The Planning Bureau, therefore, is not recommending the inclusion of the RG zoning district in this proposed amendment.

The draft amendments are attached. The first two recommended changes from the Planning Commission are included.

Please schedule this amendment to be read into the record as a communication to begin the review process for adoption. Feel free to contact our office if you have any questions.

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CC: City Council Members  
Mayor Reynolds  
A. Karner  
C. Peiffer  
J. Spirk  
M. Deschler

Attachments

DATE: April 27, 2022

*Darlene Heller*  
Darlene L. Heller, AICP  
Director of Planning and Zoning

**ORDINANCE NO. XXXX-XX**

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 - DEFINITIONS.

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

SECTION 1. Article 1302.12 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions except where underlined in existing ordinance, whereas ~~strikeouts~~ denote deletions):

Bed and Breakfast Home. A single-family detached dwelling which may provide overnight lodging and serve breakfast to transient guests, and which requires ~~includes~~ the owner ~~or primary operator~~ to reside in the dwelling on the premises.

SECTION 2. Article 1302.105 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions except where underlined in existing ordinance, whereas ~~strikeouts~~ denote deletions):

Property Line. A line forming the front, rear or sides of lots or parcels of property as described in the recorded title excluding any part of a street or alley dedicated as a public right-of-way and accepted as such by the City.

SECTION 3. Article 1302 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions except where underlined in existing ordinance, whereas ~~strikeouts~~ denote deletions):

1302.115      Right-of-Way. A legal right of passage across land occupied or intended to be occupied by a street, alley, crosswalk, railroad, electric or telecommunication transmission line, oil or gas pipeline, water main, sanitary or storm water main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Subsequent sections of Article 1302 shall be renumbered accordingly.

SECTION 4. 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

**ORDINANCE NO. XXXX-XX**

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 – INDUSTRIAL REDEVELOPMENT AND INDUSTRIAL REDEVELOPMENT-RESIDENTIAL ZONING DISTRICTS.

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

SECTION 1. Article 1305.05(a) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (a) [Reserved.] ~~Modifications to Permitted Uses.~~ The Planning and Zoning Bureau and the City Planning Commission, in the IR and IR-R districts, may approve a use of the same general character as the uses permitted, provided that the application include evidence satisfactory to the Planning and Zoning Bureau and City Planning Commission that the use will be conducted without creating nuisance conditions beyond the limits of its lot by reason of the emission of smoke, dust, odor, or other air pollutants, noise, vibration, light, electrical disturbance, or water pollutants. Such evidence may include the proposed use of proven special structural or technological innovations. In no case, however, shall any uses that are specifically listed as prohibited in the IR and IR-R districts in Article 1305 or Section 1316.04 be approved under this section.

SECTION 2. Article 1308.01(a) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (a) [Reserved.] ~~Special Requirements.~~

The property owner shall submit the following to the City Planning Commission for approval:

1. ~~A description of the general character of the proposed development including:~~

- ~~(i) Goals and objectives for development;~~
- ~~(ii) Potential future uses;~~
- ~~(iii) Anticipated demand on existing utilities including storm drains, stormwater management, sanitary sewer, and water lines; and~~
- ~~(iv) Potential site access points.~~

SECTION 3. Article 1308.01(b) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

(b) ~~[Reserved.] Off Street Parking and Loading Regulations.~~

~~Off street parking shall be permitted on a lot other than the proposed development site, provided adequate assurances are given that such parking will not be eliminated by future development. City Planning Commission shall consider modifications to these standards based on existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Section 1325.07, Special Exceptions, Article 1351.03 of the Subdivision and Development Ordinance and such modifications shall include but not be limited to:~~

- ~~1. Shared parking pursuant to Section 1319.02;~~
- ~~2. Providing for up to 30% of the total parking required as compact spaces; compact spaces shall have a minimum dimension of 8.5 feet in width and 16 feet in length; except that an 8-foot width shall be allowed in a parking structure and provided the spaces shall be well marked;~~
- ~~3. Credit for other methods of transportation to the site, including bus, shuttle and rail service; and~~
- ~~4. Recent authoritative information regarding parking standards for individual uses will be employed.~~

SECTION 4. Article 1308.01(c) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

(c) ~~[Reserved.] Modifications. Upon receipt of a written request, the Planning and Zoning Bureau and City Planning Commission shall consider modifications to the standards of this Ordinance based on the existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1351.03 of the Subdivision and Land Development Ordinance.~~

- ~~1. The City Planning Commission may consider requested modifications to such things as signage provisions or dimensional requirements in accordance with the terms of Article 1351.03 of the Subdivision and Land Development Ordinance.~~

SECTION 5. Article 1308.01(e)(1) – (18) of the Zoning Ordinance shall be repealed in its entirety and replaced as follows (underlined text denotes additions):

(e) [Reserved].

SECTION 6. Article 1308.01(f) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

(f) Slopes. The steep slope provisions of Article ~~1308~~ 1316 shall not apply in the IR and IR-R districts.

SECTION 7. 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

**ORDINANCE NO. XXXX-XX**

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

**ORDINANCE NO. XXXX-XX**

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 – DESIGN STANDARDS.

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

SECTION 1. Article 1311.01, 1311.02, 1311.03, 1311.05, 1311.06 and 1311.07 and Article 1311.10 of the Zoning Ordinance shall be repealed and each replaced as follows (underlined text denotes additions):

[Reserved].

SECTION 2. Article 1311.04 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

- (a) [Reserved.] ~~See Section 1306.05, Build To Line for Front Building Setback, which establishes required front setbacks along certain streets to maintain consistency with existing buildings on that block.~~
- (b) Surface off-street parking and any garage doors shall be located to the rear or side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building. In the OMU District, garage doors shall be located to the rear or side of principal non-residential and mixed-use buildings. This provision shall not limit rearrangement of spaces within existing parking areas. If such lot is adjacent to two or more streets, this restriction shall only apply to the one street that is the most heavily traveled by vehicles.
- (c) [Reserved.] ~~See City sidewalks requirements and City street tree requirements in separate ordinances. An average of at least one street tree shall be planted for each 30 feet of street length, unless existing trees will be preserved to serve the same purpose. The spacing of such trees may vary to provide for driveways, sight distance and other features, provided the average separation of trees is met.~~
- (d) [Reserved.] ~~For a use involving a new principal commercial building, a site plan shall be submitted to the City showing locations for garbage storage, truck loading areas and parking areas, if applicable. Such locations shall be subject to approval by the City to minimize conflicts with sidewalks and dwellings.~~

SECTION 3. 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

**ORDINANCE NO. XXXX-XX**

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 – IN-O INDUSTRIAL OVERLAY DISTRICT.

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

SECTION 1. Article 1315.02 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

1315.02. ~~[Reserved.] Modifications.~~ Upon receipt of a written request, the Planning and Zoning Bureau and the City Planning Commission shall consider modifications to the standards of this Ordinance based on the existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1351.03 of the Subdivision and Land Development Ordinance.

SECTION 2. Article 1315.04(c) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

(c) ~~[Reserved.] The City Planning Commission may consider requested modifications to these standards in accordance with the terms of the Modification, Waiver and/or Variance Section of the Subdivision & Development Ordinance.~~

SECTION 3. Article 1315.05(b), (c), and (d) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

(b) ~~[Reserved.] Shade Trees.~~ If the applicant can provide information that an area is not visible from a public way and there is no access to the area or visibility to the area by the public, then the Planning Commission may consider waiving or partially waiving the shade tree requirements of Section 1319.02(j) and 1319.03, as applicable, following review and recommendation by the City's Planning and Zoning Bureau. The Planning Commission may consider requiring a contribution in lieu of actual tree planting. Such contribution shall be utilized by the City to install appropriate trees elsewhere in this vicinity of the City, such as the South Bethlehem Greenway.

(c) ~~Off-street parking shall be permitted on a lot other than the proposed development site, provided adequate assurances are given that such parking will not be eliminated by future development.~~

(d) ~~The City Planning Commission may approve a reasonable reduction of the minimum off-street parking and loading facilities standards based on the proposed use. Such reductions shall include but not be limited to:~~

~~(1) providing for up to 30% of total parking required as compact spaces; compact spaces shall have a minimum dimension of 8 feet in width and 16 feet in length;~~

~~(2) credit for other methods of transportation to the site, including bus and rail service; and~~

~~(3) recent authoritative standards information including parking use studies supplied by the applicant regarding parking standards for individual uses shall be employed.~~

SECTION 4. That in Article 1315.06(b) of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

(b) [Reserved.] ~~The Planning Commission may consider waivers from sections 1322.02(d) (4), utilities, and (5), special features, pursuant to Section 1351 of the Subdivision and Development Ordinance.~~

SECTION 5. Article 1315.07 of the Zoning Ordinance shall be amended as follows (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

~~1315.07. Sign Regulations. Sign regulations shall be governed by Article 1320. The City Planning Commission may consider modifications to the standards based on the existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1351.03 of the Subdivision and Development Ordinance.~~

SECTION 6. That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

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

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

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

ATTEST:

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

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

\_\_\_\_\_  
Mayor