CITY OF BETHLEHEM
ZONING ORDINANCE

PART 13 OF THE CODIFIED ORDINANCES
OF THE CITY OF BETHLEHEM,
LEHIGH AND NORTHAMPTON COUNTIES,
PENNSYLVANIA

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See Also the Airport Approach Overlay Zoning Provisions in the City Codified Ordinances, Article 1360, and the LVIA FAR Part 77 Imaginary Surfaces Map.

ARTICLE 1301
TITLES, PURPOSE AND INTERPRETATION

1301.01 Title. A Zoning Ordinance regulating and restricting the height, location, size and use of buildings and/or land in the City of Bethlehem, Pennsylvania, the areas to be occupied by buildings in proportion to the size of the lots upon which they stand: the size of yards and other open spaces appurtenant thereto and the density of population, and for these purposes establishing districts and boundaries, and other uses within such districts and boundaries and providing for the appointment of a Zoning Hearing Board, and setting forth the duties and functions of said Board and providing for administration, charges and enforcement of this Ordinance and providing penalties for violation thereof.

1301.02 Short Title. This Zoning Code shall be known and may be cited as "The Zoning Ordinance of the City of Bethlehem." This Ordinance is also known as "the Zoning Code" or as "Part 13" of the Codified Ordinances of the City of Bethlehem. It is also hereinafter referred to as "the Zoning Ordinance" or "This Ordinance."

1301.03 Purposes. The purposes of this Zoning Ordinance are to promote the public health, safety and general welfare by:

(a) Encouraging the most appropriate use of land.
(b) Preventing the overcrowding of land.
(c) Conserving the value of land and buildings.
(d) Lessening the congestion of traffic on the roads.
(e) Protecting important natural features.
(f) Providing for adequate light and air.
(g) Securing safety from fire, flood and other dangers.
(h) Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public facilities.
(i) Giving reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses.
(j) Guiding and regulating the orderly growth, development, and redevelopment of the city in accordance with the adopted Comprehensive Plan of the City of Bethlehem, and to serve the objectives and principles of such Plan.
(k) Carrying out the authorized purposes of a Zoning Ordinance, as provided in the Pennsylvania Municipalities Planning Code, as amended.
(l) Carrying out the purposes of the Pennsylvania Floodplain Management Act, as amended.

1301.04 Interpretation. In interpreting and applying the provisions of this Zoning Ordinance, the provision shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare of the City. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

1301.05 Separability. It is hereby declared to the legislative intent that:

(a) If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

(b) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

1301.06 Application to Public Utility Corporations. This Ordinance shall not apply to facilities of a public utility corporation, if specifically exempted by Pennsylvania Public Utility Commission after a hearing under the provisions of Section 619 of the Pennsylvania Municipalities Planning Code, as amended.

1301.07 Application to City and Municipal Authorities. This ordinance shall not apply to any lot, existing or proposed structure, use thereof, of any expansion thereof, owned, used or to be used by the City of Bethlehem, and/or by any Municipal Authority created by the City of Bethlehem.

ARTICLE 1302
DEFINITIONS

1302.01 General.

(a) Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated:

(1) Words used in the present tense include the future.
(2) The singular includes the plural, and the plural the singular.
(3) The word "person" includes a corporation, partnership, association and individual.
(4) The word "shall" is always mandatory. The word "may" is permissive.
(5) The word "lot" includes the word "parcel", "tract", or "plot".
(6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
(7) The word "City" means the City of Bethlehem, Lehigh and Northampton Counties, Pennsylvania; the terms "Council", "Zoning Board", "Planning Commission" mean respectively, the City Council, the Zoning Hearing Board and the City Planning Commission of the City. County refers to Lehigh County and/or Northampton County, Pennsylvania.
(8) If a word is not defined in this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO) of the City of Bethlehem, as amended, then the SALDO definition shall also apply to this Ordinance. If a term is not defined in this Ordinance or the SALDO, then the term shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary should be consulted.

1302.02 Accessory Building or Use. A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "Accessory Building" may include a private garage, garden shed or barn, private playhouse, private greenhouse, guesthouse, caretaker's cottage, or servants' quarters, as hereinafter provided. An outdoor private swimming pool is an accessory use but not an accessory building. Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building. Unless specifically allowed otherwise by this Ordinance, a detached building that is accessory to a dwelling shall not include cooking facilities, a shower or a bath tub, and shall not be used for overnight sleeping purposes.

1302.03 Adult-Oriented Establishment (or “Adult Use”). The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited to, the definitions for "Adult Bookstore," "Adult Entertainment," "Adult Mini-Motion Picture Theater," "Adult Motion Picture Theater," "Sexual Activities," "Specified Anatomical Areas," and "Specified Sexual Activities.

1302.04 After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some

form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

1302.05 Alley. A public or private right-of-way having a right-of-way width of twenty (20) feet or less, which affords a means of access to the rear or side of abutting property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no new principal building shall have its frontage on an alley.

1302.06 Alteration. As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or conversion of one use to another by virtue of interior change.

1302.07 Animal Shelter. A facility used to house or contain stray, homeless, abandoned, abused or unwanted animals (dogs, cats, rabbits, hamsters) that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

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. (Amended by Ordinance 2015-16, April 7, 2015)

1302.09 Assisted Living Facility. Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self administration.

1302.10 Auto Body/Auto Repair Shop. A facility where repairs to the frame or other structural parts of motor vehicles, spray painting, and repair or replacement of fenders and similar external portions of motor vehicles are conducted. Auto repairs to the mechanized parts of a vehicle, including engine, motor, transmission, etc, shall also be included in this definition.

1302.11 Basement. A floor level partly or completely below grade. A basement shall be considered a story if more than one-third of the exterior perimeter walls are five (5) feet or more above the finished grade level of the ground immediately adjacent to the walls.

1302.12 Bed and Breakfast Home. A detached dwelling which may provide overnight lodging and serve breakfast to transient guests, and which includes the owner or primary operator residing on the premises.

1302.13 Boarding or Rooming House. A dwelling in which at least two rooms are offered for rent, payable in money or other consideration, whether or not meals are furnished to lodgers and in which no transients are accommodated and no public restaurant is maintained. A

school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses are not deemed a boarding or rooming house.

1302.14 Billboard. A type of "Sign, Off-Premises" that has a sign area of greater than 10 square feet.

1302.15 Buffer Yard. A strip of land planted with trees, shrubs and lawns and which is kept free of outdoor storage, buildings and vehicles, and which serves to separate certain uses or zoning districts. See also "Screening" in this Section.

1302.16 Building. A structure constructed or erected on the ground, with a roof supported by columns or walls. Structures divided by unpierced masonry division walls extending from the ground to the roof shall be deemed to be separate buildings. See also "Dwelling".

(a) Detached Building. Any structure, having a roof supported by columns or by walls and intended for shelter, housing or enclosure for persons or animals, which is surrounded by open space on the same lot and which has no party or division wall in common with any other building.

(b) Completely Enclosed Building. A building separated on all sides from adjacent open space, or from other buildings, by fixed exterior walls or party walls, pierced only by windows, entrance or exit doors, and covered by a permanent roof.

1302.17 Building, Front of. The wall of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

1302.18 Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, a dwelling shall be deemed a main building on the lot on which the same is located, unless otherwise provided for elsewhere in this Zoning Ordinance.

1302.19 Building Area. The aggregate of the ground floor area of all enclosed and roofed spaces of the principal building and all accessory buildings. Such area shall be computed by using the outside building dimensions of each building measured on a horizontal plane at floor level. The area of any roof or any portion thereof which is at ground level or which has direct access to ground level and which further provides usable plaza, park and/or similar open unroofed area with vegetation shall not be considered in calculating building area, even if there is building area or parking area under such plaza, park or similar area.

1302.20 Building Line or Building Setback Line. The line that separates the land areas that do not allow the construction of a building from the land areas that do allow the construction of a building, in areas that extend above the grade level. The building line is measured a certain distance from lot lines and street rights-of-way, based upon the applicable minimum yard. In the area between the building line and the adjacent lot line or right-of-way, no portion of a building may be placed or constructed or expanded, except as specifically provided otherwise. The building line is considered a vertical surface intersecting the ground on such line.

1302.21 Building or Construction Permit. A type of permit required under the City Construction Codes. See also "Zoning Permit."

1302.22 Building Coverage. The total horizontal area covered by all buildings on a lot divided by the lot area of that lot, expressed as a percentage. An outdoor in-ground or above ground swimming pool shall not be counted as building area.

1302.23 Bulk. The size and shape of building uses, and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings or other walls of the same building, and all open spaces required in connection with a building. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, height, required yards, usable open space, spacing between buildings on a single lot, and the length of buildings in a row.

1302.24 Business Office. A business establishment which does not offer a product or merchandise for sale to the public. Personal services such as barber and beauty shops and repair services are not deemed a business office.

1302.25 B.Y.O.B. Club. "B.Y.O.B. Club" means any business facility such as a dance hall, club or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as "Bring Your Own Bottle" Clubs; provided that a facility which is rented for a limited period of time, not to exceed six (6) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B.Y.O.B. Club under the terms of this Ordinance. B.Y.O.B. Club shall not include a restaurant as defined in this Section.

1302.26 Certificate of Occupancy. A certificate required under the City Construction Codes and Zoning Ordinance that is issued by the City Staff after completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building. An applicant may be required to prove compliance with requirements of this Ordinance and any conditions established by the Zoning Hearing Board prior to receiving such Certificate.

1302.27 Check Cashing Business. An establishment engaged in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the loan. This term shall not include any of the following: a) a state or federally chartered bank, savings association, credit union, or industrial loan association, b) a Licensed Gaming Facility (or any hotel related thereto), or c) a retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.

1302.28 Church. See “Place of Worship” in this Section.

1302.29 Comprehensive Plan. The Comprehensive Plan for the City of Bethlehem.

1302.30 Condominium. A form of ownership of individual units in a building or on a lot that was established under applicable State law, such as the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended. Each dwelling unit is owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership. Condominium dwellings shall meet the provisions for the type of dwelling unit that is involved. For a condominium dwelling other than multi-family dwellings, the applicant shall prove that each dwelling unit is able to meet the same dimensional provisions that would apply if the dwellings would be placed on individual lots, but the individual lot lines for each dwelling unit are not required to be actually established.

1302.31 Construction Area. For the purposes of Article 1316 Steep Slopes Provisions, "construction area" shall mean the total land areas proposed to be used for and/or within 20 feet of any and all of the following proposed features:

(a) Principal and accessory buildings.
(b) Gravel or paved areas (including driveways) other than walkways.
(c) Areas proposed to be graded.

1302.32 Curb Level. The mean curb level as established by the Department of Public Works or, in the absence of an established curb level, the mean level of the existing curb or the lot at the street line.

1302.33 Day Care Center, Adult. A use, not located in a dwelling unit, providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use shall involve typical stays of less than a total of 60 hours per week per person.

1302.34 Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also definition of "adult day care center."

(a) The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and (3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the caregiver.
(b) Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within the primary caregivers' dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary caregiver.
(c) Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary caregiver, 2) provides care within the primary caregivers' dwelling unit, and 3) is registered with the applicable State agency.*

(d) Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at one time who are not "relatives" of the primary caregiver, 2) does not occur within a dwelling unit, 3) is registered with the applicable State agency.*

*Note: As of the adoption date of this Ordinance, such agency was the PA Department of Public Welfare.

1302.35 Driveway. An access to individual property, to be classified as follows:

(a) High volume driveway: A driveway used or expected to be used by more than 1,500 vehicles per day.
(b) Medium volume driveway: A driveway used or expected to be used by more than 750 but less than 1,500 vehicles per day.
(c) Low volume driveway: A driveway used or expected to be used by more than 25 but less than 750 vehicles per day.
(d) Minimum use driveway: A residential or other driveway which is used or expected to be used by not more than 25 vehicles per day.

1302.36 Dump. A lot or part thereof used primarily for disposal by abandonment, dumping, burial, burning, incineration, or any other means for whatever purpose, of garbage, offal, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind, and which does not meet State and City requirements for a Solid Waste Landfill.

1302.37 Dustless Surface. An adequate covering or paving with concrete, bituminous asphalt products, paving blocks or other materials specifically approved by the City, and which is maintained in good condition at all times. See the parking materials provisions in Article 1319.

1302.38 Dwelling. A building used as a residence.

(a) Single Family Detached Dwelling – A building occupied by only one dwelling unit, and having no party wall in common with an adjacent building.
(b) Townhouse (also known as a Single Family Attached Dwelling or Row House) – A set of 3 or more attached dwelling units, which are completely separated from each other by one or two vertical party walls.
(c) Single Family Semi-Detached Dwelling (also known as a Twin Dwelling) – One dwelling unit that is completely separated from a second dwelling unit by a vertical party wall.
(d) Two Family Detached Dwelling – A detached building occupied by 2 dwelling units, which are not completely separated from each other by a vertical party wall.
(e) Two Family Semi-Detached Dwelling – A 2 family building on a single lot having one party wall in common with an adjacent two-family building on an adjoining lot, with one dwelling unit over the other, the two buildings together, however, accommodating but 4 families, 2 families living on either side of the party wall.
(f) Multi-Family Dwelling or Apartment – A building including 3 or more dwelling units, other than Townhouses.

See also “Condominium” and “Manufactured Home” in this Section.

1302.39 Dwelling Unit. A single habitable living unit occupied by only one "family" (see definition). To be considered a dwelling unit, each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping or cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another. A second kitchen shall not be newly installed in a dwelling unit unless it is for the purpose of accommodating a relative who needs special care and supervision because of age or disability.

1302.40 Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

1302.41 Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

1302.42 Family. One or more individuals who are “related” to each other by blood, marriage or adoption (including persons receiving formal foster care) or up to 5 unrelated individuals who maintain a common household with common cooking facilities and certain rooms in common, and who live within one dwelling unit. A family shall also expressly include numbers of unrelated persons that may be allowed by the Group Home provision of this Ordinance residing within an approved group home.

1302.43 Fence. An artificially constructed barrier of manufactured material or combination of materials erected for enclosure of yard areas, storage areas, parking areas and for screening.

1302.44 Flood . A temporary inundation of normally dry land areas.

(a) Floodplain –

(1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.

(2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this Ordinance, the 100-Year Floodplain as defined in the Flood Insurance Study for the City of Bethlehem prepared by the Federal Emergency Management Agency.

(b) Floodway – The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the 100 year magnitude without raising the 100-year flood elevation more than one foot. For the purpose of this Ordinance, the floodway and approximated flood plains, as defined in the Flood Boundary and Floodway Map and Floodway Data Table prepared by the Federal Emergency Management Agency.

(c) Flood Fringe – That portion of the flood plain outside the floodway.

(d) One Hundred Year Flood – A flood that has a one percent chance of being equaled or exceeded in any given year.

(e) Regulatory Flood – The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the One Hundred Year Flood.

(f) Regulatory Flood Elevation – For purposes of this Ordinance, the 100-Year Flood Elevation.

(g) Floodproofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

1302.45 Floor Area. The sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two buildings. (Regardless of the internal arrangement of a building, it shall be deemed to have at least one story for each 20 feet of height or fraction thereof.)

1302.46 Floor Area, Habitable. The enclosed indoor "floor area" that is designed and suitable for residency by persons and which is heated. This term shall not include vehicle garages or areas with a head room of less than 7 feet.

1302.47 Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. A crematorium is a location containing properly installed, certified apparatus intended for the use in and the act of cremation.

1302.48 Garage. A building or part thereof used for the storage of one or more vehicles.

(a) Community or Public Garage – One or more garages other than a private garage used for compensation. Only facilities for washing tenant's cars may be permitted.

(b) Private Garage – A garage used by the owner or tenant of the premises for vehicle parking and household storage, and provided the use of such garage is consistent with the parking space requirements.

(c) Repair Garage – Any garage other than a private garage, available to the public, operated for gain, and which is used for the storage, servicing and repair of automobiles or other motor vehicles, including painting and body work and the supply of gasoline or oil products, but not including the sale of motor vehicles.

1302.49 Gas Station. An establishment servicing motor vehicles with fuel, supplies, accessories and minor repairs, but not including the storage, sale or major repair of motor vehicles such as, but not limited to, motor replacement, body and fender repair or spray painting.

1302.50 Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group Homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

(a) Group Homes shall be subject to the same limitations and regulations by the City as the type of dwelling unit they occupy.

(b) It is the express intent of the City to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.

(c) A Group Home shall not include a "Treatment Center."

1302.51 Half-Story. That portion of a building under a sloping gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are five feet or less on average above the floor level of such half-story. Provided that it is not used as a dwelling unit, a top floor in which the floor area with 7 feet or more of head clearance equals 50 percent or less of the floor area of the story next below shall be a "half-story".

1302.52 Height of a Structure. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the average top of fascia height of a pitched roof, or top of parapet wall of a flat roof, provided that there is no living space above the fascia height of a pitched roof. If the area behind the pitched roof includes any living space, then the height of the building shall be measured from the average finished grade at front to the highest point of the structure.

1302.53 Heliport and Helistop. A facility used for the landing and take-off of helicopters. A helistop is a facility that is typically used on average four or fewer times per week for take-offs and/or landings. A heliport is a facility that is typically used more often.

1302.54 Historic Structure. Any structure that is:

(a) Listed individually in the National or Pennsylvania Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on Bethlehem's inventory of historic places under a historic preservation program that is included in the Historic Preservation Plan.

1302.55 Home Occupation. An accessory business that is conducted entirely within a dwelling or one accessory building, or administered from a dwelling, and which is conducted solely by residents of the dwelling and up to one non-resident employee, and which is clearly incidental and accessory to the dwelling. No display of products shall be visible from the

exterior. On-site retail sales shall not be allowed as part of a home occupation, except for routine accessory sales to customers in a barber shop or beauty shop.

(a) Major Home Occupation. A Home Occupation that does not meet the additional standards for a Minor Home Occupation in Article 1322.

(b) Minor Home Occupation. A Home Occupation that meets the additional standards for a Minor Home Occupation as provided in Article 1322. A Minor Home Occupation also includes, but is not limited to, activity that meets all of the requirements for a "No Impact Home-Based Business" as provided in the Pennsylvania Municipalities Planning Code.

(Note - In most cases a Minor Home Occupation is permitted by right under Section 1304.01, while in most cases a Major Home Occupation requires Zoning Hearing Board approval as a special exception.)

1. No Impact Home-Based Business - A type of Minor Home Occupation that meets the following definition as provided in the PA Municipalities Planning Code, as may be amended: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
   a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
   b) The business shall employ no employees other than family members residing in the dwelling.
   c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
   d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
   e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
   f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
   g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
   h) The business may not involve any illegal activity.

1302.56 Hospital. A building(s) which is licensed by the Pennsylvania Department of Health as a Hospital, and which involves the diagnosis and treatment of human ailments.

1302.57 Hotel. A building or groups of buildings which has a central office and which contains 7 or more rental units which are rented to transient visitors to the area, and which may also include an accessory tavern, restaurant, pool, exercise facilities or meeting facilities.

1302.58 Impervious Coverage. The percentage of the lot area of a lot that is covered by building roofs, gravel, concrete or asphalt, and/or other man-made surfaces having a coefficient of

runoff of 0.8 or greater. The City Engineer shall determine whether a surface would meet this definition.

1302.59 Industrial Park. One or more allowed industrial or office uses on lots contiguously arranged, so as to form a planned development of industrial sites, or buildings.

1302.60 Institution. Place of worship, school, college, medical center, hospital, society or organization of a public character and/or the building or buildings used by such organizations.

1302.61 Junkyard. A lot or structure or part thereof, used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or other scrap or discarded material, or for the collection, dismantling, storage, or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

1302.62 Kennel. Any commercial or private place where six or more dogs, cats or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated or groomed. (Amended 9-17-13 by Ordinance 2013-22)

1302.63 Licensed Gaming Facility. A licensed gaming facility as authorized by the Commonwealth of Pennsylvania, pursuant to 4 Pa. C.S., Ch. 11, entitled "Pennsylvania Race Horse Development and Gaming Act," as amended from time to time.

1302.64 Livestock. Generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

1302.65 Live Work Unit. A type of Home Occupation that involves a dwelling unit which also includes working space for a resident of the dwelling to pursue such occupations as: creating art involving paintings, drawings, sculptures, ceramics, literature, music or custom crafts; dance instruction, musical instruction or dramatic art; or having an office. However, such use shall not involve more than 6 persons present at the same time for instruction. See also Article 1322 (z), Additional Requirements for Specific Uses.

1302.66 Lot. A parcel of land fronting on a street used or designed to be used by one use or structure or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with such structure or group of structures.

(a) Lot Area – The total horizontal area within the lot lines of a lot.
(b) Lot Corner – A lot whose lot lines form an interior angle of less than 135 degrees at the intersection of 2 street lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.
(c) Lot Coverage – The building area divided by the lot area expressed as a percent.
(d) Lot, Depth of – The distance along a straight line drawn from the mid-point of the front line to the mid-point of the rear lot line.
(e) Lot, Interior – A lot other than a corner lot.
(f) Lot Line – Any boundary of a lot. (See Property Line in this Section 1302).
(g) Lot Line, Front – The street line at the front of a lot. In the case of a corner lot, the owner may designate either street line as the front lot line.
(h) Lot Line, Rear – The lot line opposite to the front lot line.

(i) Lot Line, Side – Any lot line not a front lot line nor a rear lot line.
(j) Recorded Lot – A lot recorded as a separate and distinct parcel of land according to official land records of the applicable County.
(k) Lot, Through – A lot having its front and rear yards each abutting on a street as herein defined.
(l) Lot, Width – The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

1302.67 Main Use of Building. The principal or most important use of a building on a lot.

1302.68 Manufactured (Mobile) Home. For a dwelling constructed after 1977, this term shall mean a single family detached dwelling that was constructed under the Federal construction requirements for Manufactured Housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation. This term is different from a "Sectional Home," which meets the Construction Codes of the City.

1302.69 Manufactured (Mobile) Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "manufactured home park."

1302.70 Manufacturing. The treatment or processing of raw materials, the production of products from raw or prepared materials by giving them new forms of qualities.

1302.71 Massage Parlor. An establishment that meets all of the following criteria:
(a) Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
(b) The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
(c) The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
(d) The massages are conducted within private or semi-private rooms.

1302.72 Meal Center. A non-profit establishment where food is offered to the hungry for free or at a reasonably low price.

1302.73 Medical Office Building. A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

1302.74 Membership Club. A building, structure, lot or land area used as a private club or social organization not conducted for individual profit or gain.

1302.75 Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

1302.76 Motel. Shall have the same meaning as "hotel."

1302.77 Motor Vehicle Sales. An establishment which offers motor vehicles for sale to the general public. This business may also perform any repair service to motor vehicles normally performed in a repair garage.

1302.78 Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, as reenacted and amended.

1302.79 Nightclub. An establishment that meets all of the following standards: (1) offers amplified music after 12 midnight; (2) sells alcoholic beverages primarily for on-site consumption; (3) includes hours open to patrons after 12 midnight; (4) has a building capacity of over 150 persons; and (5) has less than 20 percent of its total sales in food and non-alcoholic beverages.

1302.80 Non-Conforming Lot. A lot of record lawfully existing at the date of passage of this Zoning Ordinance or due to subsequent zoning changes, which does not have the minimum lot area for the district in which it is located.

1302.81 Non-Conforming Sign. A lawful sign existing at the date of the passage of this Ordinance or any amendment thereto, which does not conform to the controls regulating signs in Article 1320.

1302.82 Non-Conforming Structure. A structure lawfully existing at the effective date of this Ordinance or any amendment thereto affecting such structure which does not conform to the building regulations for the district in which it is situated.

1302.83 Non-Conforming Use. Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this Ordinance or any amendment thereto affecting such use, which does not conform to the regulations of this Ordinance applicable to the use within the district in which it is situated.

1302.84 Ordinance, This. The Bethlehem City Zoning Ordinance, including the Official Zoning Map, as amended.

1302.85 Open Area. An unoccupied area open to the sky, usually in a natural state but including squares, plazas and formal gardens. Also the unoccupied area open to the sky on the same lot with a principal and/or accessory building.

1302.86 PA. The Commonwealth of Pennsylvania.

1320.87 Parking Area. A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges in money or other consideration.

1302.88 Parking Space. A stall or berth used for parking motor vehicles, which meets the required length and width of this ordinance, not including areas of a street or alley. A typical space is 9' x 18'.

1302.89 Parking Structure. A facility that has at least one level of vehicle parking above another level of vehicle parking.

1302.90 Pawn Shop. An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop.

1302.91 Personal Care Home.
(i) A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

(ii) The term includes a premise that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

1302.92 Place of Worship. Synagogues, churches, mosques, temples and similar buildings used primarily for religious worship for more than 10 persons at a time on a regular basis and that are operated for nonprofit and noncommercial purposes. A Place of Worship may include up to 2 dwelling units for religious staff-persons and their families. If a religious use includes other residential uses, they shall meet the requirements of such uses.

1302.93 Planned Office Development. Land under single ownership or agreement developed according to a detailed plan to provide one or more sites for an office structure providing adequate overall intensity of land use, access or amount of light, air and open space, while permitting flexibility in placement and bulk and adequate safeguards protecting the neighborhood from any adverse effects.

1302.94 Planned Unit Development. A tract of land that was planned and developed as a permanent, year-round residential tract and was approved by the City of Bethlehem as a Planned Unit Development. A PUD allowed a reasonable degree of flexibility in the placement, bulk, and interrelationship of buildings and uses, while at the same time maintaining adequate overall intensity of land use, density of population, and amounts of light, air, access, and open space. A new PUD is no longer allowed by this Zoning Ordinance.

1302.95 Portable Structure. A structure or building, whether above or below grade level, designed or intended for seasonal rather than year-round use, and not attached to a principal building.

1302.96 Prison/correctional facility. Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

1302.97 Private Power Generation Facility. A facility owned and operated by an entity, other than a governmental body or public utility, which generates, transmits and/or distributes electrical energy for sale.

1302.98 Professional Office. The office of a recognized profession maintained for the conduct of said profession. Such professions shall be limited to those of medicine, law, architecture, engineering, art, religion, music, insurance, real estate, psychology and accounting.

1302.99 Property Line. A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.

1302.100 Public Notice. Notice of the time and place of a hearing, meeting, proceeding or other matter published as provided by the Pennsylvania Municipalities Planning Code or other applicable State law.

1302.101 Recreational Vehicle. Travel Trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup truck, horse trailer, boat trailer with or without boats, boats, utility trailers, watercraft, and all other vehicles designed mainly to serve a person for primarily recreational instead of transportational purposes. See also Section 1319.06. (Amended 12/24/12, Ord. 2012-43)

1302.102 Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, cousin, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

1302.103 Residential Retirement Complex. A planned residential development for persons of retirement age located on 10 acres or more which is held in one ownership and which provides certain health care facilities for the residents. Additional communal facilities may also include dining, recreation, open space, parking and related facilities and services.

1302.104 Restaurant. Any establishment, however designated, at which food is prepared and sold for consumption on or off the premises. However, a concession stand at a public or a community playground, playfield, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

1302.105 Restaurant, Drive-Through. An establishment where ready-to-eat food and drinks are prepared and sold and which includes a facility for ordering and delivery of food and drinks to customers while they are inside their own vehicles while on the premises.

1302.106 Restaurant, Fast-Casual. An establishment that serves food and beverages that does not offer full table service, regardless of whether seats or other accommodations are provided inside or outside of the building for patrons, but has a higher quality of food with fewer frozen or processed ingredients than a fast-food restaurant. A Fast-Casual Restaurant may or may not have a drive-through service. (Amended 12/16/15, Ord. 2015-39)

1302.107 Restaurant, Fast-Food. An establishment that serves food and beverages prepared in a highly-processed fashion, typically prepared on a large scale from bulk ingredients using standardized cooking and production methods and equipment for consumption outside of the building or in vehicles parked upon the premises, regardless of whether seats or other accommodations are provided inside or outside of the building for patrons. A Fast-Food Restaurant may or may not have a drive-through service. (Amended 12/16/15, Ord. 2015-39)

1302.108 Roadside Stand. A structure used for the sale of farm and nursery products 80% of which shall be grown or produced by the owner and offered for sale.

1302.109 Satellite Earth Stations. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites.

1302.110 Screen or Screening. A strip meeting Section 1318 densely planted with shrubs or trees. The buffer yard shall have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one directional arrow and the name of the establishment with "For Patrons Only" or like limitation, not over 2 square feet in area, which shall be non-illuminated. See also definition of "Buffer Yard".

1302.111 Shopping Center. Five or more retail stores that are separated primarily by vertical walls and are in a complex designed as an integrated unit served by common parking and service facilities, and which has architectural and landscape unity. Such use may also include allowed offices, restaurants and personal service uses.

1302.112 Sign and Sign Types. See Sections 1320.02 and 1320.04.

1302.113 Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot.

1302.114 Slope of Construction Area. The slope of the construction area shall be defined as the highest slope that is present within the construction area prior to disturbance. See "Exceptions" in Article 1316, and the definition of Construction Area in Article 1302. The contours of land regulated by this Section shall not be altered prior to documentation, submission and regulation under this Section.

1302.115 Special Exception Uses. A use in one or more districts for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of the Zoning Ordinance.

1302.116 State. The Commonwealth of Pennsylvania and its agencies.

1302.117 Steep Slope. Any area of land with a gradient in excess of 15 percent.

1302.118 Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof above. (See Basement in this Section 1302). See definition of "Half Story".

1302.119 Street. Any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and commonly used to serve 3 or more lots primarily for vehicular traffic purposes. An alley shall not be deemed a street.

(a) Street Curb Line – The official line with grade of an existing or proposed curb on any street as approved by the Department of Public Works.
(b) Street Line – The dividing line between a lot and the outside boundary of a public street or street right-of-way, or between a lot and a private street which serves 2 or more separately owned homes or buildings.
(c) Street Width – The perpendicular distance between street lines.

1302.120 Structure. Anything constructed or erected above or below the ground or upon another structure.

1302.121 Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred.

1302.122 Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of the definition 'substantial improvement' is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a "historic structure" provided that the alteration will not preclude the structure's designation as an "historic structure".

1302.123 Substation, Gas or Electric. An assemblage of equipment for purposes other than generation or utilization, through which electric or gas energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that an electric or gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing of repair crews.

1302.124 Swimming Pool, Private. Any receptacle or artificially constructed container for water, whether erected above or below ground level, having a wall depth of 2 feet or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of humans therein, used in connection with dwelling units, available only to the family of the dwelling unit holder and his private guests, not open to the public, and not otherwise regulated by any statutes or by rules and regulations other than those of the City of Bethlehem.

1302.125 Swimming Pool, Public or Semi-Public. Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

1302.126 Tasting Room. A retail facility which may or may not be a part of a micro-brewery or micro-distillery, that offers tastes of the product for primarily retail sales for off-site consumption or carry-out. No on-site retail consumption is permitted. (Amended 12/16/15, Ord. 2015-39)

1302.127 Tavern. A commercial use that involves sale of food and beverages to the public, and which involves alcoholic beverages making up more than 50 percent of the total volume of sales, and which does not meet the definition of a "Nightclub." A commercial use that involves a lower percentage shall be considered a Restaurant.

1302.128 Temporary Commercial Use. A retail sales use which primarily operates in the open air or under a tent and which is open to the public for retail sales less than 90 days per calendar year. The retail sales of trees or shrubs primarily grown in the ground on the premises shall be allowed in any location.

1302.129 Temporary Shelter. A facility operated by a non-profit agency providing temporary lodging, with or without meals, for persons of limited income with no ordinary or regular residence or to persons who need such shelter to avoid an abusive situation or because of a sudden event, such as fire, flood, domestic violence, condemnation, or court-ordered conviction.

1302.130 Theaters, Drive-In. An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in an automobile or on outdoor seats.

1302.131 Trailer. A vehicle designed to be pulled by another vehicle for on-street use, and that is part of a tractor-trailer combination or that is used to transport excavating equipment, boats or similar items.

1302.132 Treatment Center. A use involving any one or a combination of the following:

(a) A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
   1. criminal rehabilitation, such as a criminal halfway house, or a facility for the housing of persons judged to be juvenile delinquents, or a criminal work release or pre-release facility;
   2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
   3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

(b) A residential or non-residential Methadone Treatment Facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health, other than a Hospital, to use the drug methadone in the treatment, maintenance or detoxification of persons.

(c) A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

(d) A use that otherwise meets the definition of a Group Home, except that it includes a higher number of residents than is allowed in a Group Home, unless approved otherwise under Section 1325.07(d).

1302.133 Truck (*State Police definition).* A motor vehicle designed primarily for the transportation of property. The term includes motor vehicles designed with seats that may be readily removed and reinstalled if those vehicles are primarily used for the transportation of property.

(a) Tractor. Every motor vehicle designed and used for drawing other vehicles, equipment, or implements of husbandry, and not so constructed as to carry and load thereon other than part of the weight of the load being drawn.

(b) Truck, light. Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

(c) Truck, medium. Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels.

(d) Truck, heavy. Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

(e) Semi-trailer. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
(f) Utility Trailer (*State police Definition).* A trailer, except a recreational trailer, which does not have air brakes.

1302.134 Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 1322.03.

1302.135 Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code. See Article 1325 of this Ordinance.

1302.136 Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

1302.137 Visitor Center. A use which shall include exhibit space, presentation space, informational displays and/or retail space. The Visitor Center may also include ancillary and operational spaces necessary to support the visitor center such as restaurants, administrative offices, storage, etc.

1302.138 Yard. Any open space located on the same lot with a principal building situated between the nearest roofed portion of the principal buildings and a lot line.
(a) Yard, Front – A yard extending across the full width of the lot abutting the front lot line.
(b) Yard, Rear – A yard extending across the full width of the lot, abutting the rear lot line.
(c) Yard, Side – A yard extending from the front yard to the rear yard, abutting the side lot line.
(d) Yard, Width – The minimum perpendicular distance between the lot line and the nearest roofed portion of the principal building.

1302.139 Zoning Officer. The duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the City of Bethlehem.

1302.140 Zoning Permit. A permit stating that a structure and/or the proposed use of a building and/or land is in conformity with all applicable city zoning regulations, to the best knowledge of the City Staff. The City may utilize a separate Zoning Permit or may have the applicable portions of a Permit serve the purposes of a Zoning Permit.

ARTICLE 1303
CLASSIFICATION OF DISTRICTS

1303.01 Establishment of Districts. The City of Bethlehem is hereby divided into zoning districts of different types, each type being of such number, shape, kind and area, and of such common units or purpose and adaptability of use that is deemed most suitable to carry out the objectives of this Ordinance. Each parcel of land and every building or other structure in the City, except as otherwise provided by law or by the Ordinance, shall be subject to the regulations, restrictions and requirements specified for the district in which it is located.

1303.02 Classes of Districts. For the purposes of this Zoning Ordinance, the City is divided into the following zoning districts:

RR	Rural Residential District
RR-F	Residential Overlay District - Friedensville Road
RR-T	Residential Overlay District - Township Line Road
RS	Single Family Residential District
RG	Medium Density Residential District
RT	High Density Residential District
R-RC	Residential Retirement Complex District
I	Institutional District
I-O	Institutional Overlay District
CB	Central Business District
CG	General Commercial District
CL	Limited Commercial District
CS	Shopping Center District
CM	Office - Research Center District
PI	Planned Industrial District
LI	Light Industrial District
IN	Industrial District
IN-O	Industrial Overlay District
IR	Industrial Redevelopment District
IR-R	Industrial Redevelopment - Residential Option District
CM-LTN	Landmark Conservation and Traditional Neighborhood Development Overlay District
CMU	Mixed Use Commercial District

1303.03 Zoning Map. The Bethlehem Zoning Map shall consist of maps accurately showing the boundaries of various zoning districts. The zoning map information may be maintained and updated using computer files. At least one paper copy of the official map is also maintained and available in the Zoning Office. The zoning map and all notations, references and data shown thereon are hereby incorporated by reference into this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described herein.

1303.04 District Boundaries. Where uncertainty exists with respect to the boundaries between districts as shown on the Zoning Map, the following rules shall apply.

(a) Where district boundaries are indicated as approximately coinciding with streets, alleys, waterways, or railroad rights-of-way, the center line of such features shall be construed to be such boundaries unless otherwise indicated on the Map.
(b) Where district boundaries are indicated as approximately coinciding with lot lines that existed at the time of the adoption of the Zoning Map, they shall be construed as following such lot lines.
(c) Where district boundaries do not coincide with a physical feature or lot line, and are not fixed by dimensions on the Zoning Map or notes, the boundary shall be determined using a scale. GIS NAD, 1983 PA South State Plane Coordinator Systems Zone 3702.
(d) All areas of the City which are under water and are now shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet each other.
(e) Where land area has become a part of the City by annexation, the same shall automatically be classed as being in the "R-R Residential" district until such classification shall have been changed by an amendment to the Zoning Ordinance as provided herein.
(f) Whenever any street, alley, or other public right-of-way is vacated, the zoning district adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation based on the GIS State Plane Coordinates the street centerline boundary.

1303.05 Floodway and Flood Fringe Districts. For the regulations pertaining to the floodway and flood fringe districts, which are overlays to the existing districts as shown on the Zoning Map, refer to Article 1317.

1303.06 Airport Approach. See also the Airport Approach Overlay Zones in Article 1360 of the City's Codified Ordinances.

1303.07 Purposes of Each District.

(a) RR Rural Residential District – To provide for low density neighborhoods that are primarily comprised of single family detached dwellings.

(b) RR-F and RR-T Residential Overlay Districts – See Article 1310.

(c) RS Single Family Residential District – To provide for medium density neighborhoods that are primarily comprised of single family detached dwellings.

(d) RG Medium Density Residential District – To provide for medium high density neighborhoods with a mix of housing types.

(e) RT High Density Residential District – To provide for higher density residential neighborhoods with a mix of housing types.

(f) R-RC Residential District – To provide for coordinated residential development for persons of retirement age, including communal dining, open space, shared parking and recreational facilities. To also allow for ancillary health care facilities.

(g) Institutional District – To provide areas for large educational, medical and health, and public institutions within which facilities to meet their needs may be developed.

(h) Institutional Overlay District – See Article 1312.

(i) CB Central Business District – To provide for an orderly coordinated development of varied commercial business and office uses in combination with limited intensive residential development in the central business areas of North Bethlehem and South Bethlehem, and to encourage excellence of design in the development of properties. To promote pedestrian-friendly uses, as opposed to uses that are auto dependent.

(j) CG General Commercial District – To provide for a wide variety of commercial uses, including more intensive commercial uses, in areas with few historic buildings and that include few existing homes. To manage traffic to avoid congestion and safety hazards, particularly in regards to access to major streets.

(k) CL Limited Commercial District – To provide for less intensive types of commercial uses in areas that include many existing homes or small lots that are immediately adjacent to residential neighborhoods. The intent is to control uses that are most likely to generate nuisances or hazards for nearby residents, such as 24 hour operations.

(l) CS Shopping Center District – To provide for the development of modern, well-planned shopping centers with coordinated traffic access, to provide for a variety of compatible business uses. The district is intended to result in a group of properly related business and compatible facilities comprising a single architectural scheme with appropriate landscaping, off-street parking, screening and vehicular access. New residential uses are proposed to be limited to above commercial uses.

(m) CM Office Research Center District – To provide for offices, research and development, educational and complementary uses. To avoid uses that are most likely to generate heavy tractor-trailer traffic, particularly on roads on the South Mountain.

(n) OMU Office Mixed Use District – In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. This District also is intended to encourage ground-floor retail and service uses to create connectivity between the residential and commercial buildings on the overall tract. (Amended 12/16/15, Ord. 2015-39)

(o) CMU Mixed Use Commercial District – To promote appropriate types of mixed uses, including banks, offices and limited commercial uses. The intent is to only allow types of commercial uses that would be compatible with adjacent dwellings. This District recognizes areas that are uniquely situated compared to other areas of the City, and allows future development consistent with such uniqueness. This District is also intended to provide transitional zoning provisions adjacent to residential areas.

(p) PI Planned Industrial District – To permit and encourage modern industrial development in a park-like setting. To provide a desirable location for those types of industry which are harmonious with, and do not constitute a hazard or nuisance to surrounding areas. To maintain landscaped area as part of each lot, to encourage architectural harmony, and to create an aesthetically pleasing and functional business park.

(q) LI Light Industrial District – To permit and encourage modern light industrial development that is located and designed to be compatible with adjacent uses and to contribute to the economic base of the City. To minimize nuisances and hazards.

(r) IN Industrial District – To provide suitable areas for a wide variety of industrial uses and compatible commercial uses.

(s) IN-O Industrial Overlay District – This overlay area is intended to promote the economic revitalization of underutilized industrial properties and to provide suitable areas for the use of business and industry. In order to accomplish this purpose, flexible design standards will be applied during the plan approval process.

(t) IR Industrial Redevelopment District – To promote the economic revitalization on underutilized properties that historically were used for older industrial uses. To allow a variety of non-residential land uses, with flexible design standards applied during the site plan approval process. This district is mainly intended to allow commercial, office, research and light industrial uses.

(u) IR-R Industrial Redevelopment - Residential District – To promote the economic revitalization on underutilized properties that historically were used for older industrial uses. To allow a variety of non-residential land uses, with flexible design standards to be applied during the site plan approval process. To also allow rental and condominium apartment dwellings in combination with complementary commercial uses in the same building.

ARTICLE 1304
ALLOWED USES IN PRIMARILY RESIDENTIAL DISTRICTS.

1304.01. Allowed Uses in Primarily Residential Districts.

(a) For the purposes of Articles 1304 and 1305, the following abbreviations shall have the following meanings:

P	=	Permitted by right use (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by the Zoning Hearing Board)
N	=	Not Permitted
(S. 1322)	=	See Additional Requirements in Article 1322

(b) Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 1324.03), any land or structure shall only be used or occupied for a use specifically listed in this Section 1304 or 1305 as being allowed in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance. The following uses shall be allowed in the following zoning districts:

USES (See definitions in Section 1302)	ZONING DISTRICTS RR**	RS	RG	RT	RRC
(1) RESIDENTIAL USES					
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 1322)	P	P	P	P	N
Single-Family Semi-Detached Dwelling (Side-by-Side Twin)	N	N	P	P	N
Two-Family Detached Dwelling (Typically One Unit Above Another Unit)	N	N	P	P	N
Two-Family Semi-Detached Dwelling (Two Units Attached to Another Bldg.)	N	N	N	P	N
Townhouses (Single-Family Attached Dwellings or Rowhouses) (S. 1322)	N	N	P	P	N
Conversion of an Existing One Family Dwelling into Two or More Dwelling Units (S. 1322)	N	N	SE	SE	N
Group Home within a lawful existing dwelling unit (S. 1322), not including a Treatment Center	P	P	P	P	P
Multi-Family Dwelling, other than conversion of an existing one family dwelling into 2 or more dwellings	N	N	P	P	P
Open Space Development Option meeting Article 1309, with a 3 acre minimum tract size.	P	N	N	N	N
Residential Retirement Complex (S. 1322) (Amended 9-17-13 by Ordinance 2013-22)	N	N	N	N	P
(2) COMMERCIAL USES					
Bed & Breakfast Inn (S. 1322)	N	N	SE	SE	N
Funeral Home (S. 1322)	N	N	SE	SE	N
See also commercial uses allowed by Section 1304.04.					
(3) INSTITUTIONAL / SEMI-PUBLIC USES					
Cemetery (not including Crematorium) (S. 1322)	P	N	N	N	N
Community Recreation Center	N	N	P	P	P
Cultural Center or Museum	N	N	N	SE	N
Day Care Center, Adult (S. 1322)	N	N	N	SE	P
Day Care Center, Child (S. 1322) (See also as an accessory use)	N	N	N	SE	N
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section shall only be allowed if so listed in this table and if the requirements for that use are also met.	N	N	N	SE	N
Nursing Home and related health care facilities	N	N	N	SE	P
Personal Care Home or Assisted Living Facility (S. 1322)	N	N	SE	SE	P
Place of Worship (includes Church)	SE	P	P	P	P

** = The allowed uses in the RR-T and RR-F Overlay Districts shall be the same as the RR district, except that the RR-T and RR-F shall allow some additional housing types as provided in Article 1310.

P = Permitted By Right

SE = Permitted By Special Exception (Zoning Hearing Board Approval)

N = Not Permitted

USES (See definitions in Section 1302)	ZONING DISTRICTS RR**	RS	RG	RT	RRC
(3) INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)					
School, Public or Private, Primary or Secondary	SE	P	P	P	N
(4) PUBLIC/SEMI-PUBLIC					
City Government Uses	P	P	P	P	P
Government Facility, other than uses listed separately in Articles 1304 or 1305	SE	SE	SE	SE	SE
Publicly Owned or Operated Recreation Park	P	P	P	P	P
Public Utility Facility (See also Section 1301.06) other than uses listed separately in Articles 1304 and 1305	SE	SE	SE	SE	SE
Swimming Pool, Non-household (S. 1322)	SE	P	P	P	P
(5) ACCESSORY USES					
Communications Antennae meeting Section 1322. pertaining to antenna placed on certain existing structures	P	P	P	P	P
Day Care Center (accessory to and on the same lot as an existing lawful Place of Worship)	P	P	P	P	P
Day Care (S. 1322) an accessory to a dwelling:					
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	Not Regulated				
- Group Day Care Home (7 – 12)	N	N	N	SE	P
- Family Day Care Home (4 – 6)	N	SE	SE	SE	P
Home Occupation, Major (S. 1322)	SE	SE	SE	SE	SE
Home Occupation, Minor (S. 1322)	P	P	P	P	P
Meal Center (accessory to and on the same lot as an existing lawful place of worship) (< 50 meals)	P	P	P	P	SE
(> 50 meals) (S. 1322)	SE	SE	SE	SE	SE
Meal Center that is NOT an accessory use (S. 1322)	SE	SE	SE	P	N
Unit for Care of Relative (S. 1322)	P	P	P	P	P
Wind Turbine, maximum of one on a lot that is an accessory use and is designed primarily for on-site electricity use (S. 1322)	N	N	N	N	N
(6) MISCELLANEOUS USES					
Roadside Stand	P	N	N	N	N
Crop Farming	P	P	P	P	P
Forestry	P	P	P	P	P
Nature Preserve or Environmental Education Center	P	P	P	P	P
Parking Lot as the Principal Use of a Lot (S. 1322)	N	N	N	SE	N
Livestock and Poultry, Raising of *Article 1159	SE	N	N	N	N
Solar Energy Collection Systems	P	P	P	P	P
Stable, or other keeping of horses (S. 1322)	SE	N	N	N	N

** = The allowed uses in the RR-T and RR-F Overlay Districts shall be the same as the RR district, except that the RR-T and RR-F shall allow some additional housing types as provided in Article 1310.
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322)= See Additional Requirements in Section 1322

1304.02. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 1322 and all other requirements of this Ordinance:

(a) Antennae, Standard for television, radio and similar reception
(b) Fence (See Section 1318) or Wall
(c) Garage, Household
(d) Garage Sale
(e) Pets, Keeping of, in compliance with City Health regulations
(f) Parking or Loading, Off-Street, only to serve a use that is permitted in that district
(g) Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
(h) Residential accessory structure
(i) Signs, as permitted by Section 1320
(j) Swimming Pool, Household
(k) Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

1304.03. Reserved

1304.04. Reuse of Corner Commercial Uses Allowed in the RT and RG Districts. The following uses shall be allowed in addition to uses allowed under Section 1304.01:

(a) As a special exception, uses that are small in scale, such as but not limited to a professional office, barber/beauty shop, retail store, nail salon, coffee shop, retail bakery, art gallery, real estate office, photography studio, green grocer, cafe, or antique store may be approved by the Zoning Hearing Board ("the Board") provided all of the following requirements are met:
   (1) The lot shall be at the corner of 2 streets. The primary building shall have an existing storefront character. This shall include such features as large first floor commercial window(s) and a main entrance at the corner or along one of the street facades abutting the commercial windows.
   (2) At least a portion of the proposed business space shall have been occupied at one time by a principal lawful business use. This subsection 2 may allow a business use to be established even when a nonconforming use has been considered to have been abandoned. This provision recognizes that some building space may have otherwise lost its right to be occupied by a nonconforming use. The new business use shall not necessarily be limited to the floor area that previously was occupied by a business use. The business use shall be limited to within the existing building, and may not involve building expansions for the use, other than as may be necessary for fire safety or handicapped access.

(3) In considering whether to approve the special exception use, the Board shall consider whether the total impact upon the neighborhood and parking needed for all uses on the lot after the new use would be in operation would exceed the total impact of all uses on the lot that existed prior to the application. For example, this decision may consider whether the applicant proposes to reduce the number of dwelling units on the lot.

(4) The Board shall have the authority to place reasonable conditions upon the singular use, such as but not limited to: 1) limits on hours of operation, 2) limits on the maximum floor area occupied by the use, 3) requirements that the operator of the use regularly collect litter on the sidewalk and gutters at edge of street adjacent to the lot, and 4) conditions that preserve and enhance the residential character of the neighborhood.

(5) As part of the special exception, the Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking as part of the special exception approval if the applicant proves that there is an excess of on-street parking spaces during hours when the business will be in operation.

(6) Signs shall need approval as part of the special exception process. The Board may approve a total sign area of up to 20 square feet, which shall be limited to projecting, wall and/or window signs. No new sign shall be internally illuminated. Any lighting of signs shall be limited to hours when the use is open to the public. All signs must comply with any applicable Historical Architectural Review Board (HARB) and Historic Conservation Commission (HCC) regulations and any other applicable laws and regulations.

(7) A barber shop, beauty shop**,** ~~or~~ hairstyling/haircutting use**,** or nail salon use shall have a licensed barber**,** cosmetologist, or nail technician on-site during all hours when the use is open. The number of styling chairs shall be limited to two (2).

(8) The use shall not meet the definition of an Adult-Oriented Establishment or the definition of a B.Y.O.B. Club.

(9) There shall be no on site frying of foods.

(10) Alcohol sales shall not be permitted.

(11) Tattoo parlors and pawn shops shall not be permitted.

(12) All uses must strictly comply with Historical Architectural Review Board (HARB) and/or Historic Conservation Commission (HCC) regulations, if applicable, in such residential districts.

(Entire Article 1304.04 Amended 12-24-12, Ord. 2012-44)

ARTICLE 1305
ALLOWED USES IN PRIMARILY NON-RESIDENTIAL ZONING DISTRICTS.

1305.01 Allowed Uses in Primarily Non-Residential Districts. Only the following uses are allowed in each respective zoning district, except as may be allowed by Section 1304.03:

For the Institutional Overlay District, see Section 1312.

For the OMU District, see Section 1314. (Amended 12/15/16, Ord. 2015-39)

For additional requirements in the CMU Mixed Use Commercial District, see Section 1313.

For additional requirements of IN-O, refer to Article 1315.

For additional requirements for the IR Industrial Redevelopment District and the IR-R Industrial Redevelopment - Residential District, see Section 1316.

For manufacturing uses, the types of uses listed in this Section correspond approximately to the categories of the North American Classification System, administered by the US Department of Commerce. In case of question about the categorization, such system shall be consulted.

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
a. RESIDENTIAL USES												
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 1322)	N	N	N	N	N	N	N	N	N	N	N	P**
Two Family Semi-Detached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Two Family Detached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Two Family Attached Dwelling	N	N	N	N	N	N	N	N	N	N	N	P
Single Family Semi-Detached Dwelling (side-by-side)	N	N	N	N	N	N	N	N	N	N	N	P
Townhouse (Single Family Attached Dwelling) (S. 1322)	N	N	N	N	N	N	N	N	N	N	P	P
Multi-Family Dwellings (S. 1322), other than conversions of an existing one family dwelling into 2 or more dwellings	P*	P*	P*	N	N	N	N	N	N	N	P	P***
Boarding House (includes Rooming House) (S. 1322)	SE	SE	SE*	N	N	N	N	SE	N	N	N	N
Manufactured/Mobile Home Park (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Group Home within a lawful existing dwelling unit (S.1322), not including a Treatment Center	P	P	P	N	N	N	N	P	N	N	N	N
Conversion of an Existing One Family Dwelling into Two or More Dwelling Units (See also Unit for Care of Relative under Accessory Uses), other than as allowed by the above Multi-Family Dwellings provision with a street level commercial use.	N	N	N	N	N	N	N	N	N	N	N	N
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 housing listed above)	N	P*in CG N in CS	P*	N	N	N	N	P	N	N	P*	N
Fraternity or Sorority	N	N	N	N	N	N	N	P	N	N	N	N
Live Work Unit in compliance with the Home Occupation and Live Work Provisions of Section 1322.03.	P	N	P	N	N	N	N	N	N	N	P	N

* = Such housing shall be located in the same building as a principal commercial use that is on the front street level. This requirement for a street level commercial use shall not apply to buildings fronting on local streets. See the optional density bonus for workforce housing in Article 1307.

** = In the OMU District the maximum lot size for any single family dwelling shall be 4,000 square feet

*** = Provision of Section 1322 shall not apply in the OMU District for multi-family dwellings

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL***	CG*** &CS	CB***	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES												
Adult Oriented Establishment and Massage Parlors (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
After Hours Club - Note - This use is effectively prohibited by State Act 219 of 1990 (S. 1322).	N	N	N	N	N	N	N	N	N	N	N	N
Airport (S. 1322) (see also Heliport)	N	N	N	N	SE	N	N	N	N	N	N	N
Amusement Arcade	N	P	N	N	N	N	N	N	N	P	P	P
Amusement Park or Water Park	N	P	N	N	N	N	N	N	N	N	N	N
Animal Cemetery	N	P	N	P	P	P	P	P	N	N	N	N
Animal Shelter	N	N	N	P	P	N	N	N	N	N	N	N
Arena or Auditorium	P	P	P	P	N	P	P	P	N	P	P	N
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	P	P	P	P	P	P	P	P	N	P	P	P
Auto Body Shop or Auto Repair Garage (S. 1322)	N	P	N	P	P	N	N	N	N	N	N	N
Auto, Boat or Mobile/Manufactured Home Sales (S. 1322)	N	P	N	N	N	N	N	N	N	N	P**	N
Bakery, Retail	P	P	P	N	P	N	N	N	P	P	P	P
Bed and Breakfast Inn (S. 1322)	P	P	P	N	N	N	N	P	N	P	P	P
Beverage Distributor (wholesale)	N	P	N	N	N	N	N	N	N	P	P	N
Bus Maintenance or Storage Yard	N	N	N	P	P	P	N	N	N	N	N	N
Bus, Taxi or Passenger Rail Terminal	P	P	P	P	P	P	N	N	N	P	P	N
BYOB Club in compliance with Section 1318.33	N	N in CG SE in CS	N	N	N	N	N	N	N	N	N	N
Car Wash (S. 1322)	N	P	N	N	N	N	N	N	N	N	N	N
Catering, Custom, for Off-Site Consumption	P	P	P	P	P	P	P	P	N	P	P	P
Check Cashing Business (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Communications Antennae, Commercial (S. 1322), limited to accessory antenna attached to specified types of structures	P	P	P	P	P	P	P	P	P	P	P	P
Communications Tower, Commercial (S. 1322), or other antennae that are not allowed under the above provision	N	N	N	SE	P	SE	SE	SE	N	SE	SE	N
Conference Center or Exposition Center	N	P	P	P	N	P	P	P	N	P	P	N
Construction Company or Tradesperson's Head-quarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 1318.23	P*	P	SE*	P	P	P	P	N	N	P	P	P****
Crafts or Artisan's Studio	P	P	P	P	P	P	P	P	N	P	P	P

* = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened by buildings and/or landscaping from view of streets.
** = Limited to sales of motor vehicles that is primarily conducted indoors.
*** = All retail and service uses must be enclosed within a building.
**** = Outdoor storage is not permitted in OMU District.
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Custom Printing, Copying, Faxing, Mailing or Courier Service and similar services to businesses	P	P	P	P	P	P	P	P	P	P	P	P
Dog Daycare	P	P	N	P	P	P	P	N	P	P	P	P
Exercise Club	P	P	P	P	P	P	P	P	P	P	P	P
Financial Institution (includes banks), with Drive-Through facilities allowed in the CB and CL district only if they use rear for vehicle entry and/or exit. See Drive-through facilities regulations in Section 1322.03. ***	P	P	P	P	P	P	P	P	P	P	P	P
Flea Market/ Auction House	P	P	P	N	P	N	N	N	N	P	P	N
Funeral Home, without a crematorium (S. 1322)	P	P	P	N	P	N	N	P	N	P	N	N
Funeral Home with a crematorium (S. 1322)	N	N	N	SE	P	N	N	SE	N	N	N	N
Gaming Facility, Licensed (S. 1322), other than small games of chance allowed under State law and the State Lottery	N	N	N	N	N	N	N	N	N	P	N	N
Gas Station, which may occur with a retail store, and which may also include fueling of vehicles using hydrogen, natural gas or similar fuels (S. 1322)	N	P	N	N	P	N	N	N	N	SE	N	P****
Heliport (S. 1322)	N	N	N	P	P	P	P	P	N	P	P	N
Hotel or Motel (S. 1322)	N	P	P	N	P	N	P	N	N	P	P	P
Kennel (S. 1322)	N	N	N	P	P	N	N	N	N	N	N	N
Laundromat	P	P	P	N	P	N	N	P	N**	P	P	P
Laundry, Commercial or Industrial	N	N	N	P	P	P	N	N	N	P	P	N
Lumber Yard	N	N	N	P	P	N	N	N	N	P	P	N
Micro-brewery and/or Micro-distillery (in combination with a restaurant and/or tasting room)	P	P	P	N	P	N	N	N	P	P	P	P
Motor Vehicle Racetrack, Outdoor	N	N	N	N	SE	N	N	N	N	N	N	N
Nightclub	N	SE	SE*	N	P	N	N	N	N	P	P	P
Office (May include medical clinics or labs)	P	P	P	P	P	P	P	P	P	P	P	P
Pawn Shop (S. 1322)	N	SE	N	N	N	N	N	N	N	N	N	N
Personal Services (includes tailoring, custom dress-making, haircutting/styling, travel agency, nail salon, dog grooming, dry-cleaning, shoe repair, "massage therapy, certified" and closely similar uses)	P	P	P	N	N	N	N**	N**	N	P	P	P
Planned Office Commercial Development in compliance with Section 1313 (which allows additional uses in the CMU District; S. 1322)	N	N	N	N	N	N	N	N	P	N	N	N
Plant Nursery (other than a Retail Store)	N	P	N	P	P	P	P	P	N	P	P	N

* =	Nightclub cannot be located within 120 feet of a Residential District boundary line
** =	Personal services, restaurants or cafeterias without drive-through service, a Laundromat, a financial institution, and retail stores may be allowed as accessory uses in a hospital, medical office building, or college or university building provided they do not have their own exterior entrance and are primarily designed to serve students, staff or patients of the institution. See also the I-O Overlay District in Article 1312.
*** =	In the OMU District, drive through facilities for a Financial Institution are limited to 2 lanes.
****=	Must front on a minor arterial street and must be within 450' of the property boundary line of a highway interchange.
P =	Permitted by right use (zoning decision by Zoning Officer)
SE =	Special exception use (zoning decision by Zoning Hearing Board)
N =	Not permitted
(S. 1322) =	See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with Fire Department review.	N	N	N	SE	P	N	N	N	N	N	N	N
Recording Studio, Music	P	P	P	P	P	P	P	P	N	P	P	P
Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Article	N	P	N	N	P	N	N	P	N	P	P	N
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, horseback riding, paintball and closely similar uses); other than uses listed separately in this Section 1305	N	P	N	P	P	P	N	P	N	P*	P*	N
Repair Service, Household Appliance	P	P	P	N	P	N	N	N	N	P*	P*	N
Restaurant or Banquet Hall other than a Nightclub												
- with drive-through service (S. 1322)	N	P	N	N	N	N	N	N	N	SE	N	N
- without drive-through service	P***	P	P	N	N	N	N**	N**	P	P	P	P
Restaurant, Fast - Casual												
- with a drive-through (S. 1322)	P	P	P	N	N	N	N	N	N	P	P	P*****
- without a drive-through	P***	P	P	N	N	N	N**	N**	P	P	P	P
Restaurant, Fast Food												
- with drive-through service (S. 1322)	N	P	N	N	N	N	N	N	N	SE	N	N
- without drive-through service	P***	P	P	N	N	N	N**	N**	P	P	P	P
Retail Store (not including uses listed individually in this Section 1305). Any drive-through facilities shall meet Section 1322.03. The only drive-through retail facilities in the CB, OMU or CL district shall be for a pharmacy.	P***	P	P	N	P	N	N**	N**	N	P	P	P*****
Self-Storage Development (S. 1322)	N	P	N	P	P	N	N	N	N	N	N	N
Shopping Center (S. 1322)	P***	P	P	N	N	N	N	N	N	P	P	P
Target Range, Firearms												
- Completely indoor and enclosed	N	P	N	P	P	N	N	N	N	P*	P*	N
- Other than above	N	N	N	N	P	N	N	N	N	N	N	N

*	=	This use is not allowed on a lot that is adjacent to an arterial street (such as Route 412).
**	=	Personal services, restaurants without drive-through service, a laundromat, a financial institution, and retail stores may be allowed as accessory uses in a hospital, medical office building, or college or university building provided they do not have their own exterior entrance and are primarily designed to serve students, staff or patients of the institution.
***	=	Each business establishment shall have a maximum floor area of 10,000 square feet on any one floor of a building. This restriction shall not apply to existing structures at the time of adoption of this Ordinance.
P	=	Permitted by right use (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by Zoning Hearing Board)
N	=	Not permitted
(S. 1322)	=	See Additional Requirements in Section 1322
****	=	Tavern cannot be located within 120 feet of Residential District boundary line.
*****	=	In the OMU District, any drive-through for a Fast-Casual Restaurant or a Pharmacy shall be limited to 1 lane.

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
b. COMMERCIAL USES (Cont.)												
Tasting Room	P	P	P	N	P	N	N	N	P	P	P	P
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	P	P	P	N	N	N	N	N	N	P	P	N
Tavern, other than a Nightclub ****	SE	P	P	N	P	N	N	N	N	P	P	P
Television or Radio Broadcasting Studios	P	P	P	P	P	P	P	P	N	P	P	P
Theater, Indoor Movie or Live Theater, other than an Adult Establishment	P	P	P	N	P	N	P	P	N	P	P	P
Trade/ Hobby School	P	P	P	P	P	P	N	P	N	P	P	N
Veterinarian Office	P	P	P	P	P	P	P	N	P	P	P	P
Visitor Center providing education and promotional information	P	P	P	P	P	P	P	P	N	P	P	N
Wholesale Sales - see under Industrial Uses												
c. INSTITUTIONAL / SEMI-PUBLIC USES												
Cemetery (see Crematorium listed separately; S. 1322)	P	P	P	N	N	N	P	P	N	N	N	N
College or University - Educational and Support Buildings (See also under Residential Uses)	P	P	P	N	P	P	P	P	N	P	P	P
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P	P	P	P	P	P	P	P	P	P
Crematorium that is not part of a funeral home (S. 1322)	N	N	N	SE	SE	N	N	SE	N	N	N	N
Cultural Center or Museum	P	P	P	N	P	P	P	P	N	P	P	N
Day Care Center, Adult (S. 1322)	P	P	P	N	P	P	P	P	P	P	P	P
Day Care Center, Child (S. 1322) (See also as an accessory use)	P	P	P	N	P	P	P	P	P	P	P	P
Dormitory - See under Residential Uses in this table												
Emergency Services Station or Training Facility	P	P	P	P	P	P	P	P	P	P	P	N
Hospital or Surgery Center (S. 1322)	N	P	N	N	N	P	N	P	N	P	P	P
Meal Center (S. 1322)	SE	SE	N	N	N	N	N	SE	N	N	N	N
Membership Club meeting and non-commercial recreational facilities, provided that such use shall not be open between 2 and 6 AM, and provided that such use shall only be allowed in combination with another use if the other use is allowed in that district and if the requirements for that use are also met.	P	P	P	P	P	N	N	N	N	P	P	N
Personal Care Home, Nursing Home or Assisted Living (S. 1322)	N	P	N	N	N	N	N	P	N	N	P	P
Place of Worship (includes Church)	P	P	P	N	N	N	P	P	P	P	P	P
Prison/ Correctional Facility	N	N	N	N	SE	N	N	N	N	N	N	N
School, Public or Private, Primary or Secondary (S.1322)	P	P	P	N	P	N	P	P	N	P	P	N
Sewage Pump Stations	P	P	P	P	P	P	P	P	N	P	P	N
Temporary Shelter (S. 1322)	SE	SE	SE	N	N	N	N	P	N	N	N	N
Treatment Center (S. 1322)	N	SE	N	SE	SE	N	N	N	N	N	N	N

P	=	Permitted by right use (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by Zoning Hearing Board)
N	=	Not permitted
(S. 1322)	=	See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
d. PUBLIC/SEMI-PUBLIC USES												
City Government Uses and Facilities, such as Public Works Facilities. See also Section 1301.07.	P	P	P	P	P	P	P	P	P	P	P	P
Government Facility, other than offices and other than uses listed separately in this Section	SE	SE	SE	SE	P	SE	SE	SE	SE	SE	SE	P
Prison or Similar Correctional Institution	N	N	N	N	SE	N	N	N	N	N	N	N
Publicly Owned or Operated Park	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Facility, other than City-owned facilities and other than uses listed separately in this Section. See also Section 1301.06.	SE	SE	SE	SE	P	SE	SE	SE	SE	SE	SE	P
Swimming Pool, Non-household (S. 1322)	P	P	P	P	P	N	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility.	P	P	P	P	P	P	P	P	P	P	P	P
e. INDUSTRIAL USES												
Asphalt Plant	N	N	N	N	SE	N	N	N	N	N	N	N
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	N	P	P	P	P	N	N	P	N	P
Building Supplies and Building Materials, Wholesale Sales of	N	P	N	P	P	N	N	N	N	P	N	N
Data Centers	N	N	N	P	P	P	N	N	N	N	N	N
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	P	P	N	N	N	N	SE	N	N
Electric Power Generating Plant (Other than Putrescent Solid Waste to Energy, Solar Energy or Wind Turbines)	N	N	N	SE	P	N	N	N	N	SE	N	N
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	P	N	P	P	P	N	N	N	P	P	N
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N	N	N	N	N	N	N
Junk Yard (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
Liquid or Gas Fuel Storage, Bulk, for off-site distribution, which shall require a 150 feet setback from a residential district and review by the Fire Department of any proposed facilities; other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	N	SE	SE	N	N	N	N	N	N	N

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SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
e. INDUSTRIAL USES (Cont.)												
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:												
Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	SE	SE	N	N	N	N	SE	N	N
Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	P	P	P	N	N	N	P	N	N
Cement Manufacture	N	N	N	N	P	N	N	N	N	N	N	N
Ceramics Products (other than Crafts Studio)	N	N	N	P	P	P	N	N	N	P	N	N
Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	N	SE	SE	SE	N	N	N	SE	N	N
Clay, Brick, Tile and Refractory Products	N	N	N	P	P	N	N	N	N	SE	N	N
Computers and Electronic and Microelectronic Products	N	N	N	P	P	P	P	N	N	P	N	P
Concrete, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	SE	P	SE	N	N	N	SE	N	N
Electrical Equipment, Appliances & Components	N	N	N	P	P	P	P	N	N	P	N	P
Explosives, Fireworks or Ammunition	N	N	N	N	SE	N	N	N	N	N	N	N
Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	P	P	P	N	N	N	P	N	N
Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale	N	N	N	P	P	P	N	N	N	P	P	N
Food Products for animals	N	N	N	P	P	P	N	N	N	P	N	N
Glass & Glass Products (other than Crafts Studio)	N	N	N	P	P	P	N	N	N	P	N	N
Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N	N	N	N	N	N	N	N
Jewelry and Silverware	N	N	N	P	P	P	N	N	N	P	P	N
Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	P	P	P	N	N	N	P	P	N
Machinery or Gaskets	N	N	N	P	P	P	SE	N	N	P	N	N
Manufactured or Modular Housing Manufacture	N	N	N	P	P	P	N	N	N	P	N	N
Medical Equipment and Supplies	N	P	N	P	P	P	P	N	N	P	P	P
Metal Products, Primary	N	N	N	SE	P	SE	N	N	N	N	N	N
Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	P	P	P	N	N	N	P	N	N

P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322) = See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
e. INDUSTRIAL USES (Cont.)												
Manufacture and/or bulk processing of the following, Provided manufacturing occurs only indoors:												
Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	P	P	P	N	N	N	P	N	N
Paper - Raw Pulp	N	N	N	N	P	N	N	N	N	N	N	N
Paving Materials, other than bulk manufacture of asphalt	N	N	N	P	P	N	N	N	N	N	N	N
Pharmaceuticals and Medicines	N	N	N	P	P	P	P	N	N	P	N	P
Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Paints, Printing Ink or Photographic Film	N	N	N	P	P	P	N	N	N	P	N	N
Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	P	P	N	N	N	N	N	N	N
Roofing Materials and Asphalt Saturated	N	N	N	P	P	P	N	N	N	SE	N	N
Materials or Natural or Synthetic Rubber Scientific, Electronic and Other Precision Instruments	N	N	P	N	P	P	P	P	N	P	P	P
Sporting Goods, Toys, Games, Musical Instruments or Signs	N	P	N	P	P	P	P	P	N	P	P	N
Transportation Equipment	N	N	N	P	P	P	N	N	N	P	N	N
Truck Stop	N	N	N	N	P	N	N	N	N	N	N	N
Wood Products and Furniture (not including raw paper pulp)	N	P	N	P	P	P	N	N	N	P	P	N
See Section 1305.04 for uses that are not listed												
Mineral Extraction (S. 1322) and related processing, stock-piling and storage of materials removed from the site, other than as part of preparation of a development site	N	N	N	SE	SE	N	N	N	N	N	N	N
Packaging	N	P	N	P	P	P	N	N	N	P	P	N
Package Delivery Services Distribution Center	N	N	N	P	P	P	N	N	N	P	N	N
Petroleum Refining or Manufacture of Ethanol or Other alternative fuels	N	N	N	N	SE	N	N	N	N	N	N	N
Printing or Bookbinding	N	P	N	P	P	P	P	N	N	P	P	N
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	P	P	N	N	N	N	P	N	N

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SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322)= See Additional Requirements in Section 1322

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
e. INDUSTRIAL USES (Cont.)												
Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use) and related manufacture of prototypes	N	N	N	P	P	P	P	N	N	P	P	P
Sawmill/ Planing Mill	N	N	N	P	P	N	N	N	N	P	N	N
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	SE	N	N	N	N	N	N	N
Solid Waste Landfill (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
Solid Waste Transfer Facility or Putrescent Waste to Energy Facility (S. 1322)	N	N	N	N	SE	N	N	N	N	N	N	N
Trucking Company Terminal	N	N	N	SE	P	N	N	N	N	SE	N	N
Warehousing or Storage as a principal use	N	N	N	P	P	N	N	N	N	SE	N	N
Warehousing or Storage as an on-site accessory use	P	P	P	P	P	P	P	P	N	P	P	N
Welding	N	N	N	P	P	P	P	N	N	P	N	N
Wholesale Sales (other than Motor Vehicles)	N	SE	N	P	P	P	N	N	N	P	P	N
f. ACCESSORY USES												
See list of additional permitted uses in Section 1306.03 such as Residential Accessory Structure or Use												
See Additional Requirements in Section 1322 for Specific Accessory Uses												
Bus Shelter	P	P	P	P	P	P	P	P	P	P	P	P
Composting, other than leaves, tree bark or materials generated on-site which are permitted by right	N	N	N	P	P	N	N	N	N	N	N	N
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship or permitted use	P	P	P	P	P	P	P	P	P	P	P	P
Day Care (S. 1322) as accessory to an existing dwelling: Day care of a maximum of 3 adults or youth, in addition to relatives of the caregiver, which does not need a permit	P	P	P	N	N	N	P	P	P	P	P	N
Day Care (S. 1322) as accessory to an existing dwelling:												
- Group Day Care Home (S. 1322)	P	P	P	N	N	N	P	P	N	P	P	N
- Family Day Care Home (S. 1322)	P	P	P	N	N	N	P	P	N	P	P	P
Home Occupation, Major or Minor (S. 1322)	P	P	P	P	P	P	P	P	P	P	P	P
Meal Center (S. 1322)	P	P	N	N	N	N	N	P	N	N	N	N
Outdoor retail sales and display as accessory to a Principal Commercial Use (S. 1322)	P	P	P	N	N	N	N	N	P	P	P	P***
Outdoor Storage and Display as accessory to a business use shall also comply with buffer yard provisions	P**	P	P**	P	P	P	P	N	N	P	P	N

** = A maximum of 25% of lot shall be used for outdoor storage, which shall be screened by buildings and/or landscaping from view of streets.

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 1322) = See Additional Requirements in Section 1322

*** = Outdoor Retail Sales shall only be adjacent to the building on the sidewalk, but shall maintain a 5' walking path on said sidewalk.

TYPES OF USES (See definitions in Section 1302)	ZONING DISTRICTS											
	CL	CG &CS	CB	LI	IN	PI	CM	I	CMU	IR	IR-R	OMU
f. ACCESSORY USES (Cont.)												
Retail Sales as Accessory to a Principal Industrial Use, limited to items produced or distributed on the premises, and limited to a maximum of 5% of the floor area of the principal use	N	N	N	P	P	P	N	N	N	P	P	N
Unit for Care of Relative (S. 1322) on the lot of an existing dwelling	P	P	P	N	N	N	N	N	N	P	N	N
g. MISCELLANEOUS USES												
Crop Farming and Wholesale Greenhouses	N	P	N	P	P	P	P	P	P	P	P	N
Forestry (S. 1322)	P	P	P	P	P	P	P	P	P	P	P	P
Livestock or Poultry, Raising of *	N	N	N	N	N	N	N	N	N	N	N	N
Nature Preserve/Environmental Education Center	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot as a principal use that does not primarily serve tractor-trailer trucks or trailers	N	P	P	P	P	P	P	P	P	P	P	P
Parking Structure of 2 or More Levels that does not primarily serve tractor-trailer trucks or trailers	N	P	P	P	P	P	P	P	N	P	P	P
Parking Lot or Structure that primarily serves tractor-trailer trucks or trailers	N	N	N	P	P	N	N	N	N	SE	SE	N
Parking Lot for Carpooling	N	P	N	P	P	P	P	P	P	P	P	N
Recycling Collection Center	N	P	N	P	P	P	P	P	N	P	P	N
Sewage Treatment Plant	N	N	N	N	P	N	N	N	N	N	N	N
Solar Energy Collection Systems	P	P	P	P	P	P	P	P	P	P	P	N
Wind turbines:												
- Maximum of one on a lot that is an accessory use and is designed primarily for on-site electricity use (S. 1322)	P	P	P	P	P	P	P	P	P	P	P	P
- One or more wind turbines, other than above (S. 1322)	N	N	N	SE	P	SE	SE	SE	N	SE	SE	N
All Uses that will be unable to comply with the performance standards of this ordinance. See the Environmental Protection requirements of Article 5	N	N	N	N	N	N	N	N	N	N	N	N

* = See City Ordinance article 1159
P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 1322) = See Additional Requirements in Section 1322

(Entire Chart Amended 12/16/15. Ord. 2015-39)

1305.02. Permitted Accessory Uses in All Districts. Section 1304.02 shall apply.

1305.03. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right or special exception commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

(a) Storage of fuels for on-site use or to fuel company vehicles.
(b) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
(1) Internal cafeteria without drive-through service,
(2) Day care center or
(3) Recreational facilities.
(c) Automatic Transaction Machine

1305.04 Uses Not Specifically Regulated. If a use clearly is not permitted by right or as a Special Exception Use by this Ordinance within any non-residential Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception Use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

(a) the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,
(b) the proposed use would be closely similar in impacts and character to uses permitted in that District,
(c) the use would meet the standards that would apply under Section 1325.07 to a Special Exception Use, and
(d) the use is not specifically prohibited in that District.
(e) Similar Uses in the CM District. As a special exception, the Zoning Hearing Board in the CM District may approve an industrial use of the same general character as the uses permitted, provided that the application for special exception shall include evidence satisfactory to the Zoning Hearing Board 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 CM District in Article 1305 be approved under this section.

1305.05 Additional Use Provisions in the IR and IR-R Districts.

(a) 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.

(b) Specifically Prohibited Uses. The following uses are specifically prohibited within the IR and IR-R districts:
(1) Prison facility.
(2) Trash or Waste Incinerator Facility.
(3) Storage of Used or Discarded Motor Vehicle Tires.
(4) Junkyard.
(5) Landfill.
(6) Cement Manufacturing Plant.
(7) Manufacture of Asphalt.
(8) Manufacture of Paint.
(9) Petroleum Refining Storage or Distribution.
(10) Pawn Shop.
(11) Adult-Oriented Establishment.
(12) Massage Parlor.

ARTICLE 1306
DIMENSIONAL REQUIREMENTS IN EACH DISTRICT

1306.01 The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Section 1322 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 1302. Each dwelling unit and each principal building shall be served by both public water and public sewer service.

For the OMU District, see Section 1314. (Amended 12/15/16, Ord. 2015-39)

For additional regulations in the CMU Mixed Use Commercial District, see Section 1313.

For the Institutional Overlay District, see Section 1312.

For the RR-T and RR-F Overlay Districts, see Section 1310.

1306.01(a) DIMENSIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS

Zoning District	**Use**	**Minimum Lot Requirements**			**Minimum Yard Requirements**			**Maximum Height** (Whichever is more restrictive) See 1306.02 (a) for accessory bldgs.		**Max. Bldg. Cov.**	**Max. Imp. Cov**
		Tract Size	Lot Area Per Dwelling Unit	Width (a)	Front (b)	Rear (d)	Each Side (d)	Max. Stories	Max. Feet		
		Square Feet		Feet	Feet	Feet	Feet			(%)	(%)
1. RR Residential District	Single Family Detached Dwelling	15,000	15,000	100	25	40	15	2.5	35	15%	50%
	Non-Residential and Other Allowed Uses	15,000	--	100	25	40	25	2.5	35	15%	50%
	Agricultural Uses	43,560	15,000	150	100	75	75	2.5	35	15%	50%
	See also Open Space Development Option in Article 1309.										

Zoning District	**Use**	**Minimum Lot Requirements**			**Minimum Yard Requirements**			**Maximum Height** (Whichever is more restrictive) See 1306.02 (a) for accessory bldgs.		**Max. Bldg. Cov.**	**Max. Imp. Cov**
		Tract Size	Lot Area Per Dwelling Unit	Width (a)	Front (b)	Rear (d)	Each Side (d)	Max. Stories	Max. Feet		
		Square Feet		Feet	Feet	Feet	Feet			(%)	(%)
2. RS Residential District	Single Family Detached Dwelling	8,000	8,000	75	25	35	8	2.5	35	25%	75%
	Non-Residential and Other Allowed Uses	--	--	75	25	35	25	2.5	35	25%	75%

Zoning District	Use	Minimum Lot Requirements			Minimum Yard Requirements			Maximum Height (Whichever is more restrictive) See 1306.02 (a) for accessory bldgs.		Max. Bldg. Cov.	Max. Imp. Cov
		Tract Size	Lot Area Per Dwelling Unit	Width (a)	Front (b)	Rear (d)	Each Side (d)	Max. Stories	Max. Feet		
		Square Feet		Feet	Feet	Feet	Feet			(%)	(%)
3. RG Residential District	Single Family Detached Dwelling	6,500	6,500	60	20	30	6	2.5	35	35%	-
	Single Family Semi-Detached Dwelling	8,000	4,000	40 per unit	20	30	6	2.5	35	25%	-
	Multi-Family Dwelling (2-1/2 Stories & Less) or Duplex	12,000	4,000	100	20	30	25	2.5	35	25%	-
	Multi-Family Dwelling (More than 2-1/2 Stories)	43,560	4,000	100	40	60 f	25 f	5.0	60	35%	-
	Single Family Attached Dwelling	12,000	4,000 (c)	20 (c)	20	30	25(c)	2.5	35	35%	-
	Non-Residential and Other Allowed Uses	6,500	--	60	20	30	10	2.5	35	35%	-

Zoning District	Use	Minimum Lot Requirements			Minimum Yard Requirements			Maximum Height (Whichever is more restrictive) See 1306.02 (a) for accessory bldgs.		Max. Bldg. Cov.	Max. Imp. Cov
		Tract Size	Lot Area Per Dwelling Unit	Width (a)	Front (b)	Rear (d)	Each Side (d)	Max. Stories	Max. Feet		
		Square Feet		Feet	Feet	Feet	Feet			(%)	(%)
4. RT Residential District	Single Family Detached Dwelling	4,000	4,000	40	--	20	4	2.5	35	35%	-
	Single Family Semi-Detached Dwelling	6,000	3,000	30 per unit	--	20	4	2.5	35	35%	-
	Two-Family Detached Dwelling	6,000	3,000	60	--	20	4	2.5	35	35%	-
	Two-Family Semi-Detached Dwelling	12,000	3,000	120	--	20	12	2.5	35	35%	-
	Multi-Family Dwelling (3-1/2 Stories or Less)	9,000	2,500	90	--	20	15	3.5	35	30%	-
	Multi-Family Dwelling (More than 3-1/2 Stories)	9,000	1,200	90	10	20 f	15 f	5	60	30%	-
	Single Family Attached Dwelling	9,000	2,200	20c	--	20	25 c	2.5 e	35 e	40%	-
	Non-Residential and Other Allowed Uses	6,500	--	60	--	20	6	2.5	35	35%	-

Zoning District	**Use**	**Minimum Lot Requirements**			**Minimum Yard Requirements**			**Maximum Height** (Whichever is more restrictive) See 1306.02 (a) for accessory bldgs.		**Max. Bldg. Cov.**	**Max. Imp. Cov**
		Tract Size	Lot Area Per Dwelling Unit	Width (a)	Front (b)	Rear (d)	Each Side (d)	Max. Stories	Max. Feet		
		Square Feet		Feet	Feet	Feet	Feet			(%)	(%)
5. R-RC Residential Retirement Complex District	Residential Retirement Complex	10 acres	2,000	100	50	50	50	4.0	45	25%	-
	Other Allowed Uses	2 acres	2,000	100	50	50	50	4.0	45	25%	-

Section 1306.01(a) Continued. Notes to the above table:

(a) = The lot width requirement may be reduced to 70 percent of the required lot width for those lots fronting on the bulb of a cul-de-sac except that the full lot width must be met at the front wall of the building located closest to the street right of way. In addition, a minimum of 50% of the lots utilizing this provision must provide 3 off-street parking spaces per dwelling unit.

(b) = Setbacks shall be measured from the existing street right-of-way. An unenclosed front porch may intrude up to 10 feet into the minimum front yard. This porch may be covered by a roof, but may not have a second floor intruding into the front yard. Steps and stoops may also intrude into this setback. See also mandatory build to building setbacks that apply in certain districts.

(c) = The following provisions apply to single family attached dwellings (townhouses):

- In the RG district, a maximum of 4 single family attached (townhouse) dwelling units may be attached in any row or grouping and shall not exceed a total combined building length of 120 feet.
- In the RT district, a maximum of 8 single family attached (townhouse) dwelling units may be attached in any row or grouping and shall not exceed a total combined building length of 200 feet.
- The minimum lot area requirement for single family attached dwellings may be averaged for each attached set of such dwellings, provided that also the minimum lot area may be averaged for up to 3 adjacent attached sets of single family attached dwellings that front onto the same street.
- Where a condominium arrangement is approved, the applicant shall prove that the buildings will be spaced so that the dimensional requirements would have been met if the dwellings were on individual non-condominium lots.
- The maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.
- New vehicle parking in the front yard of single family attached dwellings shall only be allowed where the applicant proves that there is no feasible alternative. Where it is allowed, off-street parking and accompanying driveway area shall not occupy more 50 percent of a required front yard.
- Access easements to rear yards must be provided to middle units.
- The side yard setback requirements shall be reduced to 10' for developments that do not exceed 4 units in a row for the entire development.

(d) = The following exceptions shall apply:

For accessory structures and uses, see Section 1306.03.
Structures shall not obstruct minimum sight clearance at intersections.
See Section 1318.07 pertaining to Corner Lots.
See Section 1318 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(e) = In the RT district, within 500 feet from the right-of-way of an interstate highway, the maximum height shall be 3.5 stories or 50 feet, whichever is more restrictive.

(f) = For each one (1) foot in height over thirty-five (35) feet, the side and rear yards shall be increased by not less than one-half (1/2) foot.

[Section 1306.01a, Maximum Impervious Coverage regulations for the RR and RG zones, were added by Ordinance No. 2015-27 on July 7, 2015]

1306.01.(b) DIMENSIONAL REGULATIONS FOR PRIMARILY NON-RESIDENTIAL DISTRICTS

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
1. CB Central Business District: a) Non-Residential Uses b) Mixed Use Standards – See Note I See additional standards in Article 1311.	a) 0 b) 1,800	a) 0 b) 18	All uses: 0 No new vehicle parking spaces shall be located between the front lot line of a public street and the front of a principal building. Also see Section 1311 Design Standards.	All uses: 0 (Note B) b) (Note I)	All uses: 0 (Note B) b) (Note I)	All uses: 100% b) (Note I)	All uses: 100%	All uses: 150 feet (Note J)
2. CL Limited Commercial District: a) Allowed Residential Uses - The requirements of the RT District (multi-family provisions) shall apply in the CL District. b) Other Allowed Uses See additional standards in Article 1311.	------ b) 2,000	------ b) 20	All uses: 0 No new vehicle parking spaces shall be located between the front lot line along a public street and the front of a principal building. Also see Section 1311.	----- b) 10 (Note B)	----- b) 4 (Note B)	All uses: 80%	All uses: 90%	All uses: 5 stories or 60 feet, whichever is more restrictive. See Section 1306. 02(d and e).

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
3. CG General Commercial District: a) Allowed Residential Uses - The requirements of the RT District (multi-family provisions) shall apply in the CG District. b) Other Allowed Uses	----- 2,000	----- 20	----- b) 0, except 35 if any new vehicle parking is provided between the front lot line of a public street and the front of a principal building	----- 10 (Note b)	----- 10 (Note b)	----- 65%	----- 90%	----- b) 60 feet. See Section 1306. 02(c).
4. CS Shopping Center District: Allowed Use A minimum average of 2,000 square feet of lot area shall be required per dwelling unit.	2 acres (Note C)	300 (Note C)	40	25	25	40%	90%	80 feet. See Section 1306. 02(c).
5. CM Office Research District: Allowed Use	2 acres (Note C)	300 (Note C)	40	40	40	40%	80%	50 feet

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
6. PI Planned Industrial District: Allowed Use	1 acre	140	40. No new vehicle parking spaces shall be located within 25 feet from the curb line of a public street.	30	20	60%	80%	60 feet or 5 stories, whichever is more restrictive.
7. LI Light Industrial District: Allowed Use	10,000	80	20	15 (Note A)	15 (Note A)	65%	90%	80 feet. See Section 1306. 02(c).
8. IN Industrial District:	1 acre	150	20	15 (Note A)	15 (Note A)	65%	90%	80 feet. See Section 1306. 02(c).
9. I Institutional District: Allowed Use	2 acre minimum tract size. 2,000 minimum lot size.	20	20	15 (Note B)	10 (Note B)	65% (Note G)	80% (Note G)	See Section 1306. 02(c)(f).

Zoning District: Type of Use	Min. Lot Area (sq. ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D). See also Section 1306.07.	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)	Maximum Height See also Section 1306.02
10. IR Industrial Redevelopment and IR-R Industrial Redevelopment - Residential. a) Principal Industrial Use b) Other Allowed Use No new vehicle parking areas shall be located within the first 15 feet from the curb line of a public street. No truck loading or unloading areas shall be located within the first 30 feet from the curb line of a public street. See also Article 1307 for workforce housing incentives and Section 1306.10.	a) 20,000 b) 2,000	a) 60 b) 30, except 20 if attached buildings are approved within a subdivision or land development plan	a) 10 b) 10	a) 20 (Note A) b) 10 (Note A)	a) 20 (Note A) b) 10 (Note A), except 0 if attached buildings are approved within a subdivision or land development plan	a) 90% b) 90%	a) 90% b) 90%	200 feet. See Section 1306. 02(d).
11. CMU District: See Article 1313.								
12. OMU District: See Article 1314.								

(Amended 12/16/15, Ord. 2015-39)

Section 1306.0l(b) Continued: Notes for the Above Table:

** = The following exceptions shall apply:
For accessory structures and uses, see Section 1306.03.
Structures shall not obstruct minimum sight clearance at intersections.
See Section 1318.07 pertaining to Corner Lots.
See Section 1318 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

(Note A) = Except 25 feet side and 50 feet rear for a principal non-residential building where such side or rear yard would be adjacent to a lot in a residential district that is occupied by one or more existing dwellings. Such side and rear yard shall be increased to 60 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

(Note B) = Except 20 feet side and 20 feet rear for a principal non-residential building or multi-family building or dormitory where such side or rear would be adjacent to a lot in a residential district that is occupied by one or more existing dwellings.

(Note C) = Lots with a minimum lot area of one half acre and a minimum lot width of 150 feet may be created, provided each such lot includes a legally binding and recorded restriction stating that there will not be vehicle access directly from the lot onto a public street. Any such lot shall have vehicle access using a system of internal driveways with such access being fully coordinated among all of the uses within the development tract.

(Note D) = Setbacks shall be measured from the existing street right-of-way. An unenclosed front porch may intrude up to 10 feet into the minimum front yard. This porch may be covered by a roof, but may not have a second floor intruding into the front yard. Steps and stoops may also intrude into this setback. See also the required front yard building setback that applies in certain cases under Section 1306.07.

(Note E) = See steep slope provisions in Article 1316.

(Note F) = Where allowed, for single family attached dwellings (townhouses) and single family semi-detached dwellings, the maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.

(Note G) = Abutting lots in common ownership may be calculated together to show compliance with the maximum coverages.

(Note H) = The lot width requirement may be reduced to 70 percent of the required lot width for those lots fronting on the bulb of the cul-de-sac except that the full lot width must be met at the front wall of the building located closest to the street right of way. In addition, a minimum of 50% of the lots utilizing this provision must provide 3 off-street parking spaces per dwelling unit.

(Note I) = For mixed use buildings containing one or more dwelling units, the building coverage shall not exceed 75% on non-corner lots and not more than 80% on corner lots. If an approved vegetated Green Roof is used, the horizontal area of such green roof may exceed the maximum building coverage after a review by the City Planning Commission. Multi-family dwelling units are permitted by right uses in existing structures. However, the first floor of a structure must contain uses other than residential along the street frontage. There is no maximum density per acre, as long as all other restrictions are met.

(Note J) = Where the rear lot line of a property zoned CB abuts or is across a street or alley from a residential zone, the maximum height permitted in the rear 60' of the CB lot shall be reduced to 75 feet.

1306.02 Additional Height Restrictions. Except as provided in Section 1318.20, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

(a) Any structure that is accessory to a dwelling shall have a maximum height of 20 feet.
(b) If a building is accessory to a non-residential use, it shall have a maximum height of 25 feet, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.
(c) In the CS, CG, LI, I, IO, IR and IN districts, if a building is proposed to have a height exceeding 35 feet, then one foot of additional setback shall be required from an abutting lot line of an existing dwelling in a residential district for each 3 feet of building height over 35 feet. If such dwelling is in common ownership at the time of construction of the taller building with the use providing the setback, the additional setback may be waived.
(d) In the CL, IR and IR-R Districts, any new principal building fronting upon Main Street, 3rd Street, 4th Street, Broad Street, Daly Avenue or Route 412 or anywhere in the CB District shall have a minimum building height of 20 feet.
(e) In the CL district, any portion of a principal building exceeding 4 stories or 45 feet shall be set back a minimum of 50 feet from any rear property line adjacent to a residential zone.
(f) In the Institutional Zone, height of buildings may equal the right-of-way of an adjacent street. Buildings may exceed this height if building is set back, in addition to the required setback, one (1) foot for each three (3) feet, or fraction thereof by which such building exceeds the width of the street.
(g) See also the Airport Approach Overlay Zoning in the Codified Ordinances. (Article 1360)

1306.03 Accessory Structures and Uses.

(a) Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 1306.01 above, unless otherwise provided for in this Ordinance, including this Section 1306.03.
(b) The minimum side and rear yard setback for a permitted detached structure that is accessory to a dwelling shall be 2 feet, except in the following cases:
    1. A vehicle garage door shall be setback a minimum of 5 feet from the right-of-way line property line of a rear or side alley that provides access to the garage.
    2. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
    3. See Section 1318.05, 1318.16 and 1318.17 concerning porches, decks and other features intruding into setbacks. Space under an unenclosed porch may be used for household storage. See notes in the earlier tables concerning porches in front yard setbacks.

4. The water surface of a swimming pool shall be setback a minimum of 6 feet from any side or rear lot line.

(c) No accessory building and no swimming pool shall be allowed between the principal building and the front lot line.

(d) In no case shall the floor area of an accessory building exceed 1,000 square feet in a residential district.

1306.04 Rear Yard Abutting a Street. If a new principal building is constructed with its rear lot line abutting a public street, a row of landscaping shall be placed between such street and the rear yard, and any fencing shall be placed on the inside of such landscaping. This requirement shall not apply where the landscaping would interfere with required sight distances or a vehicle driveway or garage.

1306.05 Build-To Line for Front Building Setback. In the 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 larger and not less than 5 feet smaller than such average front yard setback.

(a) However, in no case, shall this Subsection require a front yard setback greater than 30 feet. For a corner lot, this subsection shall only apply to the primary front yard, which is defined as the street that the building is primarily fronting upon.

(b) A block shall be considered to be lots that front upon one street between a second street and the nearest approximately perpendicular third street.

1306.06 Additional Requirements in the PI District.

(a) A minimum of 20 percent of the lot area shall be landscaped with trees and shrubs.

(b) All manufacturing and industrial processing shall occur within an enclosed building.

(c) Any outdoor storage shall be enclosed by dense landscaping, mostly solid fence or a wall of architectural masonry that is in harmony with the principal building. Such screen shall be a minimum height of 6 feet. No outdoor storage area shall be permitted between the principal building and a street.

(d) Lots shall only have vehicle access onto streets that are not arterial streets, unless specifically required otherwise by PennDOT or specifically allowed otherwise by the City Planning Commission.

(e) The City Planning Commission shall have the authority to limit the number and location of vehicle access points onto a public street.

1306.07 Dimensional Standards for Use Variances and Nonconforming Uses.

(a) This Section 1306.07 shall only apply if a use is a lawful nonconforming use or was lawfully established by a use variance, and dimensional regulations were not established by the Zoning Hearing Board.

(b) In such case, such use shall be regulated by the dimensional regulations that are listed for the applicable zoning district as provided in the row for Allowed Uses or Other Allowed Uses.

ARTICLE 1307
WORKFORCE HOUSING INCENTIVE

1307.01 Workforce dwellings are rental or owner-occupied dwelling units that meet the standards of this Article 1307. This Article 1307 shall only apply within the CM-LTN, IR-R, RT, CB and CS zoning districts. All of the requirements of this Ordinance shall continue to apply, except for provisions specifically modified by this Article 1307.

1307.02 This Article 1307 shall only be available if a development will include 20 or more new dwelling units. If a minimum of 10% of the total dwelling units in a development will be sold or leased as workforce dwellings, then a density bonus shall be allowed. If more than 30 percent of the total dwelling units in a development are workforce housing units, the density bonus shall only be available for that first 30 percent of the total dwelling units. The density bonus shall be that for every workforce dwelling unit, 1.5 additional dwelling units shall be allowed in the development beyond the number of dwelling units that would otherwise be allowed. However, in no case shall the total density of the development exceed a minimum average lot area of 1,000 square feet of lot area per dwelling unit. The restrictions of this Article shall be established and enforced by lease and by deed. The bonus may be rounded to the nearest whole number. The following are examples of how these provisions are intended to function:

(a) If a development is permitted to have the minimum 20 dwelling units and the applicant chooses to use the 30 percent workforce (WF) housing (14 market rate ("MR") + 6 WF), they may construct 6 x 1.5, or 9 additional units:

29 units total (23 MR + 6 WF)

(b) If a development is permitted to have 40 dwelling units total (36 MR + 4 WF), the applicant may construct 4 x 1.5, or 6 additional units:

46 units total (42 MR + 4 WF)

(c) If a development is permitted to have 100 dwelling units total (90 MR + 10 WF), the applicant may construct 10 x 1.5, or 15 additional units:

115 units total (105 MR + 10 WF)

(d) If a development is permitted to have 100 dwelling units total and the applicant chooses to build 30 WF units (70 MR + 30 WF), using the maximum 30 percent workforce bonus provision, the applicant may construct 30 x 1.5, or 45 additional units:

145 units total (115 MR + 30 WF)

(e) If a development is permitted to have 100 dwelling units total and the applicant chooses to build 40 WF units (60 + 40 WF), they may construct 30 x 1.5, or 45 additional units.*

1307.03 A workforce dwelling unit shall be affordable to households with an income not to exceed 80 percent of the Area Median Income for the Allentown-Bethlehem-Easton Metropolitan Statistical Area as estimated annually by the US Department of Housing and Urban Development, or its successor estimate. Income shall be based upon the calendar year prior to the date of the sale or rental. Households whose income does not exceed 80 percent of such Area Median Income as adjusted for household size are eligible to purchase or lease a workforce dwelling unit.

1307.04 For a rental workforce dwelling unit, the monthly rent payment and any maintenance fees shall not exceed an amount equivalent to the Fair Market Rents for the number of bedrooms, for the Metropolitan Statistical Area as published annually by the U.S. Department of Housing & Urban Development, or its successor measurement. Costs for utilities are not included in such maximum.

1307.05 For owner-occupied workforce housing units, the Administrative Agency shall establish a maximum sales price for the initial sale of the dwelling unit. The maximum sales price shall be affordable to a household with total household income that is no more than 80 percent of the Area Median Income, as calculated above. Such affordable sales price shall be based upon a currently available typical 30 year fixed rate mortgage, a down payment of no more than 15 percent of the purchase price, an estimate of property taxes and homeowner insurance premiums, and an estimate of any homeowners/condominium association fees. The sales price shall be set so that the total of such costs at the time of the initial sale will not exceed 30 percent of the gross income by a household earning 80 percent of the Area Median Income.

1307.06 In order to lease or purchase a workforce dwelling unit, the household must receive a "Certificate of Qualification" from the City-designated Administrative Agency. The Administrative Agency shall be a non-profit organization, governmental bureau or agency or housing authority that has agreed to accept responsibility for such matter and has been designated by the City of Bethlehem Department of Community and Economic Development as being the designated Administrative Agency.

(a) The owner shall provide the Administrative Agency with a minimum of 60 days of advance written notice of the seller's intent to put a workforce dwelling on the market. For owner-occupied workforce housing units, the Administrative Agency shall establish a maximum sales price for any re-sale of each dwelling unit. The seller shall reimburse the Administrative Agency for the cost of a professional appraisal of the current market value of the dwelling unit. Such maximum sales price shall be based upon the actual sales price paid by the owner, plus 50 percent of the change in the market value of the dwelling unit from the time of most recent previous sale to the present day. In addition, the sales price may include the costs directly associated with the actual sale of the dwelling, including any realtor commissions.

1307.07 The restriction upon the workforce dwelling units shall continue for 20 years after each workforce dwelling unit is initially occupied. At the end of such 20 year period, the sales or rental prices of the workforce dwelling units shall not be restricted, and the proceeds of sales shall be controlled by the then-current owner. The restriction upon the workforce housing shall apply at the time of the initial lease or sale of the dwelling units and any subsequent sale, lease or sublease of the dwelling units to a different household. The income determination shall be based upon the income of the inhabitants of the dwelling unit during the calendar year prior to the sale or lease, regardless of changes in income that may occur by that same household in subsequent years. This Article shall not require a household to move out of a workforce dwelling unit because their income has increased.

1307.08 The applicant shall as part of its zoning application, provide documentation as to how this program shall be funded, monitored, implemented and enforced and shall agree that the program conditions and requirements will be made a condition of City approval. Applicants must contract with the Administrative Agency to oversee compliance with this section, with that Administrative Agency responsible to periodically certify compliance in writing to the City Department of Community and Economic Development.

1307.09 The proposed workforce dwelling units shall be integrated throughout the development, as opposed to being isolated to one portion of a development or one floor of a building. The workforce dwelling units shall have the same exterior facade materials as market rate dwellings in the development, and be indistinguishable in appearance. The workforce housing units shall have no greater percentage of multi-family units than the market rate dwellings.

1307.10 The workforce dwelling unit shall be occupied by the household that has a "Certificate of Qualification" as their primary place of residence. Any sale, lease or sublease shall require re-certification of the owner/tenant by the Administrative Agency. The owner shall have the right to select a buyer or tenant provided the requirements of this Article are met.

ARTICLE 1308
ADDITIONAL REQUIREMENTS IN THE IR AND IR-R DISTRICTS

1308.01 Additional Requirements in the IR and IR-R Districts.

(a) 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.

(b) 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. The 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 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 feet 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.

(c) 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.

(d) Residential Uses in the IR-R District.

1. In the IR-R district, allowed types of dwelling units may be developed provided there is a minimum average of 1,200 square feet of lot area per dwelling unit.
   (i) No maximum density shall apply to the conversion into dwelling units of building floor area that was constructed as office space and which existed prior to the adoption of this Section, provided that each dwelling unit shall include a minimum of 500 square feet of habitable floor area.
2. The minimum average lot area provision is intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are in condominium ownership or individual lots, and regardless of whether public streets, private streets or parking courts are used. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The minimum average lot area per dwelling unit shall be calculated after deleting legal street right-of-way of existing and proposed streets and alleys, but shall include: rights-of-way of private streets and alleys and areas of parking courts, common open space and stormwater detention basins. Lot area of buildings that are entirely non-residential and lot area of parking areas needing to serve non-residential uses shall not count as lot area for the purposes of determining residential density.
3. See Workforce Housing Incentive in Article 1307, which may allow a higher density.

(e) Design Standards in the IR and IR-R Districts.

1. To the maximum extent feasible, 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. This provision shall not limit rearrangement of spaces within existing parking areas. If such lot is adjacent to two or more streets, this restriction may only apply to the one street that is the most heavily traveled by vehicles.
2. 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 40 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, growth habit, sight distance and other features, provided the average separation of trees is met.
3. A new principal building shall not have a front facade comprised of more than 25 percent vinyl or aluminum siding.
4. A new principal building of over 150 feet in length along a street shall include variations in rooflines, overhangs, architectural details, setbacks, colors or facade materials or use canopies, porches and awnings. A long new principal building should have the appearance of smaller connected buildings.
5. Blank walls without at least one door and one window are not permitted to face 4th Street, 3rd Street or Daly Avenue.
6. Truck loading docks and service areas are discouraged from being visible from a street.
7. Chain-link exposed metal fencing shall not be placed in the minimum front yard. Picket or ornamental fences are encouraged. Highway-style metal guide rails should not be used if visible from a street.

8. The applicant for a new principal building shall submit a set of preliminary architectural elevations of the front facade and a description of proposed front facade materials to the Bureau of Planning and Zoning. The Bureau of Planning and Zoning may offer such materials to the City Planning Commission or other City staff or boards for review and comment.
9. Pedestrian crosswalks should be provided along arterial street corridors using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.
10. Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic and to provide convenient walking routes from any public transit stops.
11. See bicycle parking provisions in Section 1319.
12. Business buildings shall have their main pedestrian entrance facing a street or a pedestrian walkway/plaza.
13. Various signs on a property should be coordinated. Internally illuminated signs of box-type construction should be avoided. Signs should not cover architectural details. Awnings that extend at a straight angle from a building are encouraged to provide continuity along a block front and weather protection. The front panel of an awning may be used for a sign provided the sign image is integrated with the awning and the awning has the appearance of a fabric-type material.
14. No new off-street parking spaces shall be placed between a new principal building and the curbline of an arterial street, except for parking for persons with disabilities. Existing parking spaces may be re-arranged, provided they do not result in an increase in off-street parking spaces in such location. This provision shall not prohibit vehicle parking to the side of a principal building adjacent to a street.
15. Parking areas should be well-screened from an arterial street by landscaping and a decorative masonry wall. Where rear parking is not practical, then parking should be provided to the side of a building.
16. If approved by the City, the applicant shall have the option of offering a building as a Live Work Unit, such as a building that encourages a person to work on the first floor and live in the upper stories.
17. No outdoor bulk storage shall be permitted unless it is screened from view of streets by landscaping and/or buildings.
18. Individual buildings and pedestrian entrances and parking areas shall be laid out to promote pedestrian access among different uses.

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

ARTICLE 1309
OPEN SPACE DEVELOPMENT OPTION IN THE RR DISTRICT

1309.01. Purposes. To allow reasonable amounts of flexibility in site planning of residential development to: a) protect environmentally sensitive areas and avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and velocities, c) direct development to those areas that are more physically suited for it, d) avoid construction of steep roads and driveways that are difficult, time-consuming, and expensive to maintain and plow snow upon, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, and f) conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats.

1309.02 Applicability. This Article 1309 allows an applicant who controls a minimum tract size of 3 acres the option to reduce the minimum lot area if the applicant proves compliance with all of the requirements of this Section 1309 to the satisfaction of the City. This option shall only be allowed in the RR district.

(a) An "Open Space Development" is a residential development that meets the requirements of this Article 1309 and is granted approval by the City as an Open Space Development.
(b) Uses. Open Space Development shall only include the following uses: single family detached dwellings, nature preserves, publicly-owned outdoor recreation, outdoor recreation uses that the City approves to be within the preserved open space, crop farming, raising and keeping of horses, utilities necessary to serve the development, and customary permitted accessory uses. A manufactured home park shall not qualify as an Open Space Development.
(c) A tract shall be eligible for approval for an Open Space Development if it includes a minimum of 3 acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
    (1) The amount of Preserved Open Space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features. Land area of future rights-of-way of streets shall be deleted from the total lot area before calculating the required amount of Preserved Open Space.
        (i) Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating Preserved Open Space or allowed density.
    (2) Areas used for a principal non-residential use (other than uses approved by the City to be part of the preserved open space, such as an agricultural barn) shall not be included within the land area used to calculate residential density.
    (3) Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Article.

(d) An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this Article 1309.

(e) Procedures

(1) Applicants are strongly encouraged to first submit a Layout Plan for review by the City for zoning compliance, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the City and the applicant to mutually agree upon the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering. Detailed stormwater, grading, utility, profile and erosion control plans shall not be required at the zoning compliance review stage if such matters will be submitted as part of the subdivision or land development approval process.

1309.03 Density, Open Space and Lot Standards. The maximum number of dwelling units on the tract shall be determined based upon a Yield Plan.

(a) An Existing Features Map shall be required to be submitted as part of the application for an Open Space Development. This Existing Features Map shall accurately show the locations of the following at a minimum: wetlands, 100 year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, areas of 15 to 25 percent slopes and 25 percent and greater slopes and existing healthy trees over 8 inches DBH. (Diameter at Breast Height)

(b) A Yield Plan shall be submitted to the City by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current City ordinances if the Open Space Development provisions would not be used, and instead the provisions for conventional development in the RR district would be used. The Yield Plan shall be completed to an accurate scale. The Yield Plan shall show potential lots, streets, and retention / detention pond locations. However, the Yield Plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.

(c) The Yield Plan shall be reviewed by the Planning & Zoning Bureau, Planning Commission and/or the City Engineer, and then determined by the Zoning Officer as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site, both physically and legally. If such estimates are determined to be inaccurate, the applicant shall be required by the Zoning Officer to revise the Yield Plan until it is accurate.

(1) The maximum number of dwelling units allowed on the tract through Open Space Development shall be 20 percent greater than the number of dwelling units that is determined by the City to be possible under the City-accepted Yield Plan.

(2) The allowed number of dwelling units may be rounded to the nearest whole number.

(3) The Yield Plan shall not have any legal standing except for the purposes of determining density for an Open Space Development.

(d) All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this Article 1309. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
   (1) The minimum lot area shall be 10,000 square feet and the minimum lot width shall be 80 feet. A minimum of 35 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.

(e) Utilities. Any lot with a lot area of less than one acre per dwelling unit shall be served by City-approved centralized sewer service and a City-approved centralized water system.

(f) The configuration of the Preserved Open Space shall be subject to approval by the City Planning Commission. The applicant shall prove that the Preserved Open Space is contiguous to the maximum extent feasible and serves the purposes of this Article, considering the unique characteristics of the tract.

1309.04. Conditions for Approval. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the City that the following additional conditions shall be met:

(a) That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
   (1) The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas or other sensitive natural features, or
   (2) The dedication of recreation land at a site deemed appropriate by the City Planning Commission and that involves land that is clearly suitable for passive recreation.

(b) The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.

(c) The City Planning Commission may require the use of conservation easements within an Open Space Development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features. No new principal building shall be constructed on slopes of greater than 15 percent.

1309.05 Preserved Open Space.

(a) The Preserved Open Space requirements of this Article 1309 shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the City Subdivision and Land Development Ordinance (SALDO).

(b) Required Preserved Open Spaces shall meet all of the following requirements:

(1) Preserved Open Space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Removal of healthy mature trees shall be limited to selective cutting following a City-approved forest management plan that follows best management practices. The management plan shall include tree protection measures for existing trees and vegetation to remain. Land approved as required Preserved Open Space shall only be used for non-commercial passive recreation, a nature preserve, a Christmas Tree Farm, a horse farm, a wholesale plant nursery, crop farming and/or another City-approved agricultural use.

(2) Improvements to Open Spaces. Where Preserved Open Space is proposed to be used for recreation and/or dedicated to the City, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.

(i) Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks and removal of undesirable vegetation.

(ii) Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.

(3) All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.

(c) Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved Open Space shall be acceptable to the City Planning Commission.

(1) The method of ownership and use of any required preserved open space shall be determined prior to subdivision or land development approval. If the preserved open space will not be owned by the City, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the City Planning Commission:

(i) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.

(ii) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education and/or related open space.

(iii) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned. Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit.

(iv) Dedication of the land to an established nature conservation organization acceptable to the City Planning Commission for maintenance as a nature preserve or passive recreation area.

(v) Dedication of a permanent conservation easement that results in the land being used for a City-approved agricultural use, such as crop farming, and which may include one of the allowed dwelling units on the lot.

(2) Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the City Solicitor and be subject to approval by the City Planning Commission prior to recording of the final plan.

(3) Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space shall not be further subdivided and shall not be used for the construction of any buildings.

(d) Changes in Open Space Uses. If the required Preserved Open Space is proposed to be used for purposes that were not authorized in the City approval, then a revised approval by the City Planning Commission shall be required for the changed use

ARTICLE 1310
ADDITIONAL REQUIREMENTS FOR THE RR-T and RR-F OVERLAY DISTRICTS

Areas in the RR-T and RR-F shall meet the requirements of the RR district, except for provisions that are specifically modified by this Article.

1310.01 Additional Requirements in the RR-F Residential Overlay District -Friedensville Road.

(a) Purpose – This overlay recognizes that this specific area is uniquely situated and allows development consistent with such uniqueness. Specifically, portions of Creek Road are rural in nature and have historical significance to the City. At the same time, there are severe development pressures on the overlay area created by the abutting and surrounding residential and commercial uses located along Friedensville Road. In addition, Friedensville Road has a much higher volume of traffic than Creek Road. Moreover, Lower Saucon Township is located across Friedensville Road, which portion of the Township is zoned for higher density uses. The purpose of this overlay is to provide the opportunity to develop the area so that it conforms to certain unique rural residential characteristics of the Creek Road area, including the lessening of the potential impact on Creek Road, yet at the same time recognizes and allows development consistent with certain higher-density characteristics of the area.

(b) This Section creates an RR-F Overlay District, which shall consist of the geographic area in the R-R District in Ward 16 of the City, bounded by Creek Road on the East, Friedensville Road on the South, the R-G District to the West and the property identified as Northampton County Tax Map No. Q7-8- 6A to the North.

(c) Single family semi-detached dwelling units shall be permitted following review and recommendation by the Planning Commission in accordance with the provisions of Article 1322, subject to the following requirements:
   (1) The overall gross density for such use shall not exceed one dwelling unit per 15,000 sq. ft. of the entire development tract.
   (2) The minimum lot area for each semi-detached dwelling unit shall be 7,500 square feet.
   (3) The front yard setback for such use shall be 30 feet.
   (4) The rear yard setback for such use shall be 20 feet.
   (5) Each unit shall be required to meet one side yard setback of 6 feet.
   (6) The maximum building coverage for such use shall be 35%.
   (7) The minimum lot width per dwelling unit shall be 30 feet.
   (8) The maximum height limitations shall be 2.5 stories and 35 feet.

(9) There shall be a 30 foot buffer yard around the entire overlay district, which area shall be measured after the dedication of any rights-of-way to the City. Adequate visual screening approved by the Planning Commission during land development review shall be placed within the buffer area, which may include but is not limited to landscaping, fencing and berms. The buffer yard may include any required setbacks.

(10) The dwelling units shall be designed as a single architectural project and shall not detract from the character of the surrounding neighborhood.

1310.02 Additional Requirements in the RR-T Residential Overlay District - Township Line Road.

(a) Purpose – This overlay recognizes that this specific area is uniquely situated and allows development consistent with such uniqueness. Specifically, portions of land lying along the west side of Township Line Road are agricultural in nature and have significance to the City as a natural buffer and transitional zone between U.S. Rt. 22 and other adjacent residential land. At the same time, there are severe development pressures on this overlay area created by the presence of the largest arterial highway, U.S. Rt. 22, in the Lehigh Valley immediately adjacent to the overlay area, as well as a major industrial park, LVIP IV, located immediately adjacent in Hanover and Bethlehem Townships. It is becoming increasingly more difficult to economically farm the overlay area or utilize it for agricultural purposes, especially as adjacent lands are developed and/or abandoned as agricultural uses. In addition, Township Line Road is a narrow, rural road as are a number of the connecting roads to this overlay area. The overlay is limited to age restricted housing (over age 55) and the traffic generation from any development utilizing the overlay will be less than if the overlay area was developed under traditional R-R regulations thereby continuing the rural nature and environment of the surrounding and adjacent lands as well as the overlay area. The purpose of this overlay is to provide the opportunity to develop this overlay area while continuing to utilize it as a buffer between U.S. Rt. 22 and other residential lands and at the same time managing the traffic impact on Township Line Road and other adjacent roads leading to the overlay area, and thereby maintaining a transitional zone compatible with sound planning.

(b) An Age Qualified Development (as hereinafter defined) is subject to the following requirements:

(1) The dwellings must be deed restricted to the satisfaction of the City to persons at least 55 years of age and their spouses with no children routinely living in the development under the age of 18 ("Age Qualified Development").

(2) Prior to final approval of the development plans, the City must be satisfied with and agree to the legal arrangements and contracts to ensure the age restrictions will be adhered to.

(3) A minimum tract size of 9 acres is required.

(4) A maximum density of 5 dwelling units per acre is permitted.

(5) The dwelling units shall be designed as a single architectural project and shall not detract from the character of the surrounding neighborhood.

(6) Unit types allowed shall include single family detached, single family semi-detached and single family attached units up to three units in a row which shall not exceed 132 feet in length.

(7) The front yard setback for such use shall be 35 feet.

(8) The rear yard setback for such use shall be 40 feet.

(9) The side yard setback for such use shall be 25 feet.
(10) The minimum building separation for such use shall be 20 feet.
(11) The maximum building coverage for such use shall be 35%.
(12) The maximum height limitations shall be 2.5 stories or 35 feet.
(13) There shall be a 100 foot buffer yard along the right-of-way of Route 22. Adequate visual screening approved by the Planning Commission during land development review shall be placed within the buffer area, which may include but is not limited to landscaping, fencing and berms. The buffer yard may include any required setbacks.
(14) If the total development includes more than 50 units, then a community center must be provided for residents and their occasional guests. The community center may include a library, exercise room, craft shop, restroom facilities, restaurant, kitchen and dining area and community room.

ARTICLE 1311
DESIGN STANDARDS IN THE CL, CB, RT AND OMU DISTRICTS.
(Amended 12/15/16, Ord. 2015-39)

1311.01 Purposes.

(a) Encourage appropriate redevelopment and reuse of underutilized sites.
(b) Promote a mix of appropriate light business and residential uses in the same building.
(c) Expand use of the public transit system and pedestrian and bicycle circulation.
(d) Create opportunities to live, shop and work in the same area.
(e) Improve the appearance of the City's commercial corridors.
(f) Attract new customers and new sources of employment and tax revenue.
(g) Encourage principals of Smart Growth to promote compact mixed-use development.
(Amended 12/15/16, Ord. 2015-39)

1311.02 Applicability.

(a) Where a provision of this Section directly regulates the same matter as another section of this Ordinance or another City Ordinance, the more restrictive requirement shall apply.
(b) Provisions using the word "shall" are mandatory. Provisions using the word "should" are strongly recommended, and may be the basis of a condition upon a special exception or variance approval.
(c) Provisions of Section 1311.05 and 1311.06 shall not apply to the RT District.

1311.03 Modifications. Upon receipt of a written request, the Planning and Zoning Bureau and City Planning Commission shall consider modifications to the standards of this Article 1311 based on the existing site conditions, the proposed use, hardships, or innovations in technology in accordance with the terms of Article 1325.06(b) of this Ordinance.

1311.04 Building and Site Layouts and Setbacks.

(a) 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. (Amended 12/15/16, Ord. 2015-39)
(c) 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) 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.

(Amended 12/15/16, Ord. 2015-39)

1311.05 Design Requirements.

(a) A new principal non-residential, multi-family, or mixed use building shall not have a front facade comprised of more than 33 percent vinyl or aluminum siding.

(b) New parking lot lights installed by a developer shall have a maximum total height of 20 feet and use a decorative design approved by the City. Light fixtures on private property are encouraged to use designs that are similar to any decorative fixtures used on the adjacent street.

(c) A new principal building of over 150 feet in length along a street shall include variations in rooflines, overhangs, architectural details, setbacks, colors or facade materials or use canopies, porches and awnings.

(d) A new principal building of over 150 feet should have the appearance of smaller connected buildings. Article 1311.05(d) does not apply to the OMU District. (Amended 12/15/16, Ord. 2015-39)

(e) Blank walls without at least one door and one window shall not face an arterial street. Retail stores shall have display windows facing onto a street. Such display windows do not necessarily have to be open to the inside of the store, if there are security issues. The windows should have sufficient visibility from the street for security purposes and be inviting to customers. In the OMU District, landscape screening and decorative plantings or architectural elements of such walls may replace the requirement of the placement of windows and doors. Such landscaping shall be approved by the City Forester. (Amended 12/15/16, Ord. 2015-39)

(f) Tractor-trailer truck loading docks and service areas shall not be visible from any street frontage. In the OMU District, tractor-trailer truck loading docks and service areas shall be well screened from any street frontage by landscaping or ornamental fencing of at least 4' in height when planted, and be of such species and spacing that can be expected to produce, within 3 years, a complete visual screen of at least 6' in height. (Amended 12/15/16, Ord. 2015-39)

(g) Chain-link exposed metal fencing shall not be placed along any street frontage. Picket or ornamental fences are encouraged. Highway-style metal guide rails shall not be used if visible from a street or public right-of-way.

(h) The applicant for a new principal building, except for single family detached or semi-detached dwellings, shall submit a set of preliminary architectural sketch or elevation plans of the front facade and a description of proposed front facade materials to the City. Such materials may be offered to the City Planning Commission or other boards for review and comment, as appropriate.

(i) New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice or parapet is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.

(Amended 12/15/16, Ord. 2015-39)

1311.06 Sidewalks and Pedestrian Access.

(a) New or replaced sidewalks in front of an arterial street should include use of decorative brick, concrete pavers, patterned concrete or similar material that has the appearance of decorative masonry. Such materials may be used as accents, with the majority of the sidewalk being regular concrete. See guidelines from Public Works Department. (Amended 12/15/16, Ord. 2015-39)
(b) Pedestrian crosswalks should be provided along arterial street corridors using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.
(c) Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic and to provide convenient walking routes from public transit stops.
(d) See bike racks provisions in Article 1319 – Parking, 1319.02(n).
(e) Commercial buildings shall have their main pedestrian entrance facing a street or a pedestrian walkway/plaza.
(f) City-approved tree grates or similar measures may be used in sidewalk areas, with attention to providing sufficient planting area to sustain the root area of large size shade trees. The City may approve outdoor seating that intrudes into the sidewalk, provided a 5 foot continuous pedestrian and wheelchair accessible pathway is provided within the sidewalk width. See Article 721, Streets and Sidewalks
(g) Any encroachment into the public right-of-way requires an Encroachment Permit from the City Department of Public Works.

1311.07 Signs

(a) Various signs on a property should be coordinated. Internally illuminated signs of box-type construction should be avoided. Signs should not cover architectural details. Awnings that extend at a straight angle from a building are encouraged to provide continuity along a block front and weather protection. The front panel of an awning may be used for a sign provided the sign image is integrated with the awning and the awning has the appearance of a fabric-type material. Any encroachment into the public right-of-way requires an Encroachment Permit from the City Department of Public Works.

1311.08 Parking and 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 re-arranged, 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 12/15/16, Ord. 2015-39)
(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.
(c) Parking areas shall be well-screened from the street by landscaping. See Section 1318.23.

(d) See Section 1319.02(b) which allows some flexibility in parking requirements. Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage. See Section 1319.02(g) regarding landscaping between parking lots and streets. (Amended 12/15/16, Ord. 2015-39)

(e) Parking areas should be well-screened from arterial and collector streets by landscaping of at least 4 feet in height. Any wall or fence shall be on the inside of a row of shrubs or trees unless otherwise approved by the City. Where rear parking is not possible, then parking shall be provided to the side of a building. Where a driveway needs to enter from the front to access a garage, the garage shall be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard. Article 1311.08(e) does not apply to the OMU District. (Amended 12/15/16, Ord. 2015-39)

1311.09 Alleys and Side Access.

(a) When a new principal building is proposed, if a rear or side alley exists adjacent to the lot or an existing alley can feasibly be extended, it shall be used as access for any new vehicle garage, driveway or parking spaces, except a corner lot may have a garage, driveway or parking accessing a street that is not along the front lot line. This subsection shall not apply if an alternative point of vehicle access is specifically required by the Pennsylvania Department of Transportation or the City Planning Commission.

1311.10 Additional Requirements.

(a) Architectural designs shall be used to minimize the visual impact of non-residential garage doors when they front upon a street, when such locations are allowed. (Amended 12/15/16, Ord. 2015-39)

(b) If approved by the City, the applicant shall have the option of offering a building as a "Live Work Unit" in the CL, CB and IR-R districts under Section 1322.03(z).

(c) No outdoor bulk storage shall be permitted in the front yard and shall only be permitted in the side or rear yard if it is screened from view of streets by landscaping and/or buildings.

(d) Individual buildings and pedestrian entrances and parking areas shall be laid out to promote pedestrian access among different uses.

(e) Every effort should be made to preserve and reuse older buildings and to rehabilitate historic features. Modern additions and features should be placed towards the rear of the property. Article 1311.10(e) does not apply to the OMU District. (Amended 12/15/16, Ord. 2015-39)

(f) Where existing adjacent older buildings have a certain horizontal or vertical pattern, that orientation or pattern should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued. Article 1311.10(f) does not apply to the OMU District. (Amended 12/15/16, Ord. 2015-39)

(g) Overly modernistic or bland buildings devoid of details should be avoided when adjacent buildings have architectural details.

(h) Uninterrupted continuity of pedestrian-related uses are encouraged along arterial and collector streets, particularly in areas of present activity. Outward street orientation with storefronts, entrances and windows relating to the street, rather than an inward focus away from the street, shall be emphasized in new buildings. Street-oriented parking lots and non-pedestrian-related uses are not permitted in front yards along arterial and collector streets.

(i) Existing older porches should be maintained and new porches should be considered on the front of new buildings.

(j) Commercial HVAC systems shall be screened from view from the front of a lot using walls, fencing, roof elements or landscaping. Noise or odor producing ventilation equipment should be placed as far away from dwellings as is feasible.

(k) New exterior fire escapes should not be constructed on the front facade of a building, if an alternative location exists.

(l) Solid or mostly solid security gates or roll-down metal window covers shall not be permitted. Security doors or window covers that are mostly transparent may be used, and should be installed from the inside, within the window or door frames, or on the outside with a coil box that is concealed by architectural features or an awning.

(m) Buildings should be constructed to a height compatible with existing surrounding buildings. One story buildings shall be avoided on blocks where existing structures are 2 stories or higher. Where an applicant finds that a 2 story building is not possible, they are required to construct a building that has the appearance of a 2 story building when viewed from the street (such as using decorative dormers). Such alternative shall be reviewed and approved by the Planning Bureau if the building is not located in an existing local ordinance historic district.

ARTICLE 1312
ADDITIONAL REQUIREMENTS IN THE I-O INSTITUTIONAL OVERLAY DISTRICT

1312.01 Applicability.

(a) The I-O Institutional Overlay District shall serve as an overlay district to the I Institutional District. The I-O District shall exist within land areas designated on the Zoning Map. Within the I-O District, all of the same regulations shall apply as apply within the I District, except for provisions specifically modified by this Article 1312.
(b) The I-O District is intended to serve as a transitional area between a college or university campus and a CB District.

1312.02 Additional Uses Allowed in the I-O District.

(a) Within the I-O District, the following additional uses shall be allowed, in addition to uses allowed in the I District:
  (1) Multiple family dwellings
  (2) Retail stores, such as pharmacy, drugstore, clothing store, grocery store, convenience store, newsstand, bookstore, movie store or music store, but not including sale of on-road motor vehicles
  (3) Personal service uses, such as Barber or Beauty Shop, Salon, Day Spa or Tanning Business
  (4) Restaurants and retail bakeries
  (5) Laundromats and dry cleaning shops
  (6) Copy centers
  (7) Bicycle sales and service shop enclosed within a building
  (8) Post office
  (9) Computer sales and repair store and custom assembly
  (10) Financial institutions

1312.03 Additional Requirements in the I-O District.

(a) The total floor area of the commercial uses within the overlay district shall not exceed 20% of the total floor area within the overlay district.
(b) Although the commercial uses shall be open to the public, each building and use shall be designed as part of the college/university and intended to serve the college/university community including students, employees and visitors.
(c) Setbacks and building facade designs shall match and/or provide an orderly transition between the college and adjacent commercial properties.
(d) Pedestrian access to the commercial uses shall be provided in a safe, attractive, and convenient manner, including such features as parks, plazas, atriums or courtyards.
(e) Sales of gasoline or similar vehicle fuels shall be prohibited.
(f) Vehicle drive-through facilities shall be prohibited.
(g) Adult Oriented Establishments shall be prohibited.

ARTICLE 1313
ADDITIONAL REQUIREMENTS IN THE CMU DISTRICT

1313.01 Purposes.

(a) In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, the CMU District is intended to promote appropriate types of mixed uses, including banks, offices and limited commercial uses. The intent is to only allow types of commercial uses that would be compatible with adjacent dwellings. This District recognizes areas of Bethlehem that are uniquely situated compared to other areas of the City, and allows future development consistent with such uniqueness.

(b) This District is also intended to provide transitional zoning provisions adjacent to residential areas.

1313.02 Use Regulations.

(a) Section 1305 shall apply. In addition, a Planned Office Commercial Development ("POCD") is permitted by right if it meets Section 1322.

(b) An "Adult Oriented Establishment," as defined by State law in 68 Pa. C.S.A. §5501, et seq., shall not be allowed within the CMU District.

1313.03 Area, Yard and Building Regulations.

(a) The following Area, Yard and Building Regulations shall apply for all uses within the CMU District, unless more restrictive provisions are established by another section of this Ordinance for a particular use:

(1) Minimum Lot Area - 1 Acre, provided that a POCD shall meet the minimum tract size requirements*

(2) Minimum Lot Width of 150 feet measured at the street right-of-way line, except 250 feet for a POCD. If an existing lot does not meet this requirement, it shall not be allowed to be developed into a new principal commercial use unless it is merged with another lot to meet the 150 feet requirement. This larger lot width requirement shall not apply when one commercial use is changed to a different commercial use.

(3) Minimum Principal and Accessory Building Setback:

(i) For a principal non-residential use from the lot line of a Residential Zoning District boundary line: 100 feet ****

(ii) For any building from the right-of-way of a public street or from any other lot line or street or alley right-of-way line: 15 feet.

(4) Maximum Building Height (Stories) – 3 above-ground stories or 45 feet, whichever is more restrictive, except as follows:

(i) an office building shall have a maximum building height of 10 above ground stories or 130 feet, whichever is more restrictive, provided that a) any part of the building that exceeds 45 feet in height shall be located a minimum of 200 feet from a lot line of an existing dwelling; and/or b) portions of a peaked roof that are not occupied by persons may exceed 45 feet for the purposes of architectural design and/or to screen mechanical equipment.

(5) Maximum Building Coverage 40%***

(6) Minimum Percentage of a Lot which shall be improved and maintained as Landscaped Area and be planted in trees and shrubs and associated vegetated ground cover – 10%**

(7) Buffer Yard Required Yes

(8)	Land Development Plan Review by City Planning Commission	Yes
(9)	Landscaping Plan Required	Yes

* See Section 1322 regarding lots and uses.

** The minimum Landscaped Area may be based upon the entire tract, as opposed to each lot within a development tract. Buffer yards may count towards this requirement.

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

**** This 100 feet setback shall be reduced to 50 feet if the following additional requirements are met:

(i) A majority of healthy mature trees that have a trunk diameter greater than 8 inches that are within 25 feet of a residential zoning district shall be preserved. A plan shall be submitted to ensure that such trees are protected during construction and remain afterwards; and

(ii) A landscaped earthen berm shall be provided abutting a residential zoning district along the maximum length that is feasible in the determination of the City and the Planning Commission. This berm shall have an average height of 3 feet or more above the ground level on the residential side and a maximum 3:1 slope on the residential side. The commercial side of the berm may be a retaining wall. A row, staggered to allow room for future growth, of primarily evergreen trees and shrubs shall be placed between the residential lot line and any new or expanded commercial use or parking for a commercial use. The evergreen trees shall have a minimum height when planted of 8 feet. The trees and shrubs shall be designed to provide a complete visual screen at least 6 feet in height within 2 years after planting. Where deciduous trees will not be preserved, then an average of one new deciduous tree shall also be planted for every 40 feet of buffer length. Required deciduous trees shall meet the requirements of Section 1313.04(c); and

(iii) In place of or in addition to the earth berm, the City Planning Commission may also require the installation of a fence or a decorative masonry wall between new non-residential development and existing adjacent dwellings to create a visual barrier. Any such fence shall be constructed of attractive weather resistant materials, such as a vinyl plank fence and shall be reviewed and approved by the City Planning Commission. Any fence or decorative masonry wall shall have a minimum height of 5 feet. The fence shall be placed on the business side of required evergreen plantings.

(10) Any garbage dumpster for a commercial use or loading area used by tractor-trailer trucks shall be setback a minimum of 70 feet from any residential zoning district. Each garbage dumpster shall be surrounded by a decorative masonry wall and/ or a weather-resistant decorative board fence and gate. Loading or unloading of trucks that occurs within 200 feet of a lot line of an existing dwelling shall not be allowed between the hours of 11 pm. and 6 am.

(11) Lighting. New exterior light fixtures that are within the right-of-way or within 50 feet of a public street shall be of a decorative design, such as "acorn" style luminares, as approved by the City and the Planning Commission. New exterior light fixtures that are within 150 feet of a residential zoning district shall be of a full cutoff design and shall not allow any spillover of light onto the horizontal surface of a lot occupied by a dwelling. No new exterior light pole outside of a street right-of-way shall have a total height greater than 20 feet above the ground.

(12) Each lot shall have an internal pedestrian circulation system that uses hard-surface sidewalks or pedestrian pathways that meet ADA requirements. Such pedestrian system shall connect sidewalks along public streets with major destinations within the lot and adjacent lots.

(13) The edge of the cartway of any new commercial driveway (not including curb radius) shall be setback a minimum of 150 feet from the nearest edge of cartway (not including curb radius) of any existing street that intersects the same street as the driveway. Such setback shall only apply to intersections entering along the same side of the street.

1313.04 Landscaping and Buffer Requirements. The following requirements shall apply:

(a) See also the buffer and landscaping provisions in the Subdivision and Land Development Ordinance and note "****" above. A vegetated buffer yard with a minimum width of 20 feet shall be located between any new parking area, commercial driveway or non-residential building and any residentially-zoned lot that is occupied by an existing dwelling.

(b) A minimum 8 foot wide landscaped planting area shall be located abutting any public street. This planting area may include a combination of land inside and outside of the right-of-way, and areas between the curb and the sidewalk may count towards this width. This planting area shall include shrubbery and other landscaping that is designed and located to avoid conflicts with safe sight distances at intersections. This planting area may include decorative walls or fences of masonry and/or materials with the appearance of wrought iron with a maximum height of 4 feet, but shall not include any walls or fences greater than 4 feet in height. Any wall or fence shall be on the inside of a row of shrubs or trees unless otherwise approved by the City.

(c) Street trees meeting requirements of the City shall be required on each side of every public and private street. A minimum average of one street tree shall be required for each 30 feet of public or private street length, unless existing trees will be preserved to serve the same purpose, or unless the City allows an average of 1 tree of every 50 feet for trees with larger canopies. In addition, a minimum average of one deciduous tree shall be required for every 10 surface parking spaces. Such deciduous trees shall meet the street trees requirements of the Subdivision and Land Development Ordinance. No more than 12 consecutive surface parking spaces shall be located in a straight row without being separated by a landscaped island with a deciduous tree.

(d) Required deciduous trees shall have a minimum trunk diameter of 2.5 inches measured 6 inches above the ground, and minimum 10 feet height above the ground when planted. Each required deciduous tree within a parking lot shall be surrounded by a minimum 5 feet wide by 5 feet long vegetated area. The City may require curbing or other methods to protect trees from damage by vehicles. Only species of trees that are on the City's list of

approved street trees shall be used to meet a requirement of this Ordinance for a required deciduous tree.

1313.05 Off-Street Parking and Loading Regulations. Article 1319 shall apply. If a lot or tract includes two or more different types of commercial uses (such as offices and retail), the City may approve a 5 percent reduction in the total number of required off-street parking spaces if parking will be shared among the uses and if there is a pedestrian circulation system that encourages persons to walk between the uses.

1313.06 Sign Regulations.

(a) For a lot with a principal non-residential use, the sign requirements of Section 1320.09 shall apply, except for the following regulations that shall apply within the CMU District.

(1) The maximum height above the ground for a freestanding sign shall be 8 feet, except that freestanding signs for individual buildings and uses shall not be allowed within a Planned Office Commercial Development, except for approved directional signs.

(2) No internally illuminated sign shall face directly onto a contiguous abutting residential district.

(3) For a Planned Office Commercial Development, in place of Section 1320.09(a)(3), the following requirement shall apply:

(i) One freestanding sign shall be allowed at each of two vehicle entrances to a Planned Office Commercial Development. Each such entrance sign shall have a maximum total height of 12 feet and a maximum total sign area of 100 square feet and shall not be internally illuminated. If such entrance sign is attached to a decorative masonry wall, then sections of the wall that extend in length beyond the sign area shall not be regulated as part of the sign area, provided the wall is not more than 6 feet in height. Such entrance signs shall not obstruct safe sight distances.

(b) For a lot that does not have a principal non-residential use, the sign requirements of Section 1320.08 shall apply.

1313.07 Sketch Plan Review Requirements. Article 1322 shall apply.

ARTICLE 1314
ADDITIONAL REQUIREMENTS FOR THE OMU DISTRICT
(Entire Article Amended 12/15/16, Ord. 2015-39)

1314.01 Purposes.

(a) In addition to serving the purposes of the City Comprehensive Plan and the overall purposes of this Ordinance, this District is intended to promote redevelopment of areas of the City that are currently underutilized and are only partially developed. This District also recognizes that this area of Bethlehem is unique in terms of its size (over 50 acres) and its proximity to ramps of a limited access expressway (PA. Route 378). This District is also intended to provide transitional zoning provisions adjacent to a County Park and recognized historical site, the Burnside Plantation. This District also is intended to encourage ground-floor retail and service uses to create connectivity between the residential and commercial buildings on the overall tract.

1314.02 Area, Yard and Building Regulations.

(a) The following Area, Yard and Building Regulations shall apply for all residential uses; however, these regulations in subsection (a) shall not apply to a change of use of a building that existed on the tract prior to the enactment of this District:

(1) Maximum Density	21 Dwelling Units/Acre*
(2) Minimum Lot Area Per Phase	1.0 Acre ****
(3) Minimum Lot Width Per Phase	100 Feet ****
(4) 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
(5) Minimum Interior Front Yard Setback	5 Feet**
(6) Minimum Interior Rear Yard Setback	20 Feet**
(7) Minimum Interior Side Yard Setback	5 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.
(8) Maximum Building Height	4 habitable stories. ** In addition, a building may have a maximum of one above-ground parking level.
(9) Maximum Building Coverage	60%***
(10) Buffer Yard Required	No
(11) Site Plan Review by City Planning Commission	Yes

* The Maximum Density applicable to all residential uses shall be based upon the gross acreage of the District, without any deletions other than for rights-of-way of existing or proposed public streets, however, specifically excluding proposed public streets that shall be controlled and/or maintained by a Homeowners' Association.

** A building may exceed 4 habitable stories if the following additional setback requirement is met from any District boundary 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. An unenclosed front or side porch or stoop or steps or handicapped ramp or roof overhang or bay window may intrude up to 5 feet into the minimum front or side yards. An unenclosed deck may extend up to 10 feet into the rear yard. A detached rear garage shall be setback a minimum of 5 feet from the travel lanes of a rear alley.

*** 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.

**** Individual dwelling units may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum yard requirements.

(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 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.

(c) A maximum 300,000 square feet of new building footprint is permitted to be of one (1) habitable story design.

(d) A minimum of 10 percent of the total area of the District shall be set aside in open land that is available for active or passive outdoor recreational use by the residents of the District or by invitees of such residents. Such open land shall be maintained in existing trees or planted with new trees and shrubs or improved for outdoor recreation facilities. This open space provision may include steep slope areas and/or other natural areas and may include a recreational trail as described below.

At least one recreation trail available for both public and private use shall be provided to connect dwellings to two points along the perimeter of the tract. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Bethlehem, which prohibits the construction of buildings upon and the further subdivision of the required open land. Areas used for buildings or vehicle parking shall not count towards the open land requirement.

(1) Unless another form of ownership is approved by the City of Bethlehem as part of a final subdivision and land development plan, such open land shall be owned and maintained by a legally binding association of property-owners on the tract. The form of the property-owners' legal documents shall be subject to acceptance by the City Solicitor. If there is mutual written agreement between the applicant and the City Council, part or all of the open land may be maintained as a public park.

(e) A minimum 100 feet setback shall apply between any new principal building and the lot line of any public park that existed prior to the adoption of the OMU District, unless a larger setback is required by another section of this Ordinance. This 100 feet setback shall be reduced to a minimum of 75 feet if the building has a maximum of 4 habitable stories and if the building is separated by the public park by a row of primarily evergreen trees with an initial height of 5 feet, in addition to preservation of existing healthy mature trees within such setback.

1314.03 Overall Master Plan, Phasing and Deed Restrictions.

(a) Prior to the development of any new building under the District's provisions, the applicant shall submit an Overall Master Plan for the District. The Overall Master Plan shall show the approximate locations, heights and uses of all buildings, as well as the approximate locations of proposed parking, streets, and open land. The Master Plan may include a range of allowed uses, as opposed to identifying each specific use; however the Overall Master Plan shall show proposed uses in enough detail to verify that the ultimate build out of the site will include mixed use development. Therefore, at each phase of development the Overall Master Plan shall show uses in the following mix or proportion in the overall District:

		Minimum % bldg. floor area	Maximum % bldg. floor area
a.	Office, Institutional, Light Industrial and related uses	5%	70%
b.	Retail, Restaurant, Entertainment and related uses	5%	65%
c.	Residential uses	5%	85%

The Overall Master Plan shall be made available for review for a minimum of 30 days by the City Planning Commission, Planning and Zoning Bureau and the City Engineer. All phases proposed for development shall be developed in accordance with the Overall Master Plan that has been approved by the Planning Commission. If a proposed subdivision or phase of development is not consistent with the Overall Master Plan, the Overall Master Plan shall be revised provided that it still complies with the applicable sections of Article 1311 and 1314 and is approved by the Planning Commission. The Overall Master Plan shall be designed to reflect the overall provisions of the Purpose section of Article 1311, Design Standards.

(b) Design standards outlined in Article 1311 shall apply to all properties located in the District.

1314.04 Off-Street Parking and Loading Regulations.

(a) Article 1319 shall apply, except as follows:

(1) On-street parking spaces along new streets for non-residential uses may be used to meet up to 25 percent of the required off-street parking requirements for uses that are within 300 feet of such parking spaces. Off-street parking spaces are not required to be on the same lot as the use that is served by the parking provided that: a) the parking is located within 300 feet of the use that is served by the parking, and b) the applicant proves to the satisfaction of the Planning and Zoning Bureau that there will be sufficient legal mechanisms in place to ensure that the parking will continue to be available as long as the use is in existence.

(2) No portion of the front facade of any non-residential building shall be composed of vehicle garage door(s). For residential buildings, no more than 60% of the first floor front façade of any building shall be composed of vehicle garage doors.

(3) To ensure the availability of visitor parking for residential uses in the development, an additional one (1) parking space shall be created for every two (2) dwelling units (excluding multi-family dwellings) and such spaces shall be available within 400 feet of the units they are intended to serve. These spaces may be on-street or clustered parking spaces within the development.

ARTICLE 1315
ADDITIONAL REQUIREMENTS IN THE IN-O INDUSTRIAL OVERLAY DISTRICT

1315.01 Purposes. This overlay area is intended to promote the economic revitalization of underutilized industrial properties and to provide suitable areas for the use of business and industry. In order to accomplish this purpose, flexible design standards will be applied during the plan approval process.

1315.02 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.

1315.03 Applicability and Use Regulations.

(a) Within IN-O Overlay District, all of the regulations of the IN Industrial District shall apply except for provisions specifically provided otherwise in this Article 1315.
(b) A building may be erected or used and a lot may be used or occupied for any of the following purposes, subject to applicable provisions of Article 1318, "General Regulations", and other applicable provisions of this and other city ordinances.
    (1) Any use or accessory use permitted by right or by special exception in the Industrial Zoning District (IN) is allowed in the same manner within the Industrial Overlay (IN-O) Zone.
    (2) In no case shall the following uses be allowed in the IN-O District:
        (i) Storage of Used or Discarded Motor Vehicles Tires.
        (ii) Landfill.
    (3) The definition of an accessory use in this Overlay Zone shall be expanded to include any use that 1) is subordinate in area, extent and purpose to the principal use and 2) contributes to the comfort, convenience or necessity of the principal use.
    (4) Personal service, convenience and indoor recreational facilities planned for the use of the employees of the district and only incidentally for the general public, such as a bank, branch post office, day care service, retail, restaurant, barber or beauty salon, dry cleaning, offices, exercise facilities or other indoor recreation, if developed in an integrated way with the primary uses at the site.

1315.04 Area, Yard and Building Regulations.

(a) If the property is adjacent to a lot in a residential district, then the setback requirements of the Industrial Zoning District shall apply. If the adjacent property is NOT in a Residential Zoning District, then the front yard setback shall be twenty (20) feet, and there shall be no rear or side yard setback requirements under this Zoning Code.
(b) There is no maximum building coverage limitation. There is no minimum lot width requirement.
(c) 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.

(d) The provisions of section 1306 shall be deemed to be either amended or suspended so as to conform with Section 1315 as set forth in this Article 1315. Except as provided above, all other Dimensional Requirements of the Industrial (IN) District shall apply.

1315.05 Off-Street Parking and Loading Regulations. Off street parking and loading regulations shall be governed by Article 1319, Off-Street Parking and Loading, except as modified by this section.

(a) Shared parking shall be permitted pursuant to Section 1319.02.
(b) 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.
(e) The width of entrance and exit drives shall be:
    (1) A maximum of one hundred fifteen (115) feet at the curb line for one-way use only.
    (2) For two-way use, a maximum of one hundred thirty (130) feet measured along the curb line between the points of intersection of the two opposing driveway curb returns. Depressed curb driveway aprons shall not be required.

1315.06 Additional Provisions. Because of the extremely large lots proposed within the Industrial Overlay Zone and the proposed limited access by the general public and the unique access provisions of the combined rail and truck access, the following general provisions are also permitted in the Industrial Overlay Zone.

(a) The steep slope provisions of section 1316 shall not apply in the Industrial Overlay Zone.
(b) 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.

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.

ARTICLE 1316
STEEP SLOPES

1316.01 Development Standards For Steep Slopes. For the purpose of these regulations, any land with a gradient in excess of 15% shall be deemed subject to these regulations.

(a) Intent. This section is intended to serve the following purposes, to avoid problems that typically accompany development of steeply sloped and adjacent areas:

(1) To avoid severe soil erosion and sedimentation, especially considering steep areas are highly vulnerable to erosion.

(2) To avoid severely increased stormwater flow rates and velocities.

(3) To recognize the recommendations of the Comprehensive Plan for Lehigh and Northampton Counties (which identifies the majority of the areas affected by this Section as "Natural Resource Areas"), and more specifically, the Model Steep Slope Ordinance recommended by the LVPC in 2008.

(4) To steer development to areas that are more physically suited for it, and where the City has allowed for intense development.

(5) To avoid construction of steep roads that are difficult, time-consuming and expensive to maintain.

(6) To avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, and that are difficult for fire trucks to access.

(7) To seek to conserve forested areas that are important parts of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats, especially along the Monocacy Creek.

(8) To recognize that many of the areas affected by this section include natural springs, wetlands and major drainage channels that are important parts of the hydrological cycle, affecting water quality, water quantity, aquatic habitats and public water supplies.

(b) Exceptions.

(1) Small Areas Of Slope – If the total areas of over 15 percent slope within the construction area are less than 500 square feet, the City Engineer may waive the requirements related to development of steep slopes.

(2) Existing Streets – The disturbance of sloped areas for widening, alignment improvement, sight distance improvement or similar improvement of an existing street for public safety reasons or that is required by, approved by or accomplished by the City or the Pennsylvania Department of Transportation.

(3) Man-Made Slopes – The walls of a detention basin, slopes created by quarry activities, and excavated banks along streets shall not be regulated by this Section 1316. Other existing slopes that were clearly and lawfully man-made shall not be regulated by this Section 1316, unless the grading creating said man-made slope occurred prior to 1960. Any slope created greater than 75 years before the plan submission shall be considered natural.

(4) Building Expansion – An expansion of a building that existed and for which a valid building permit was issued prior to the effective date of this Section shall not by itself cause the requirements of this Section to apply.

(5) Public Open Space – The development of public open space uses by a governmental agency or an established nature conservation organization shall not by itself cause the requirements of this Section to apply.

(6) Municipal Uses – Uses owned by the City of Bethlehem or its authorized municipal authorities for legitimate governmental purposes shall not be bound by the requirements of this Section.

(7) Utilities – Grading necessary for the installation of public water or public sewer line extensions of other underground utilities shall not by itself cause the requirements of this Section to apply.

(8) IN District – Land located in the IN Industrial Zoning District which is more than 500 feet from an open waterway.

(c) Minimum Lot Area And Maximum Impervious Coverage In Steep Areas.

(1) The following shall apply whenever one or both of the following, together with the related "construction area", would involve the alteration or disturbance of slopes over 15 percent:

(i) The development of a new principal building; or

(ii) The expansion by over 1,000 square feet in building coverage of an existing principal building (which did not exist at the time of the effective date of this Section):

If the maximum slope within the construction area is:	The minimum lot area shall be:	The maximum impervious coverage of the lot shall be:
Over 15% and up to 25%	1 Acre	25%
Over 25% and up to 35%	4 Acres	10%
Over 35%	10 Acres	5%

(d) Maximum Slope Of Driveways. No driveway shall have a maximum slope greater than 10 percent. The initial 20 feet of a driveway from the cartway of a public street which the driveway enters into shall not exceed 6 percent. To the maximum extent feasible, driveways and streets shall follow the natural grades.

(e) Maximum Vertical Drop Of Terraces. When terraces or retaining walls are utilized to cope with steep slopes, the maximum vertical drop per terrace shall be 5 feet. Furthermore, at the discretion of the City, an appropriate fence may be required.

(f) Submittal Requirements. Applicants proposing uses affected by this Section shall provide the following information to the City as part of subdivision plan review for a proposed lot, or on a separate plot plan for an existing lot. Such designated construction area shall be binding upon future owners of each lot unless such applicant then provides a revised site plan that proves to the satisfaction of the City Engineer that a revised construction area location would not cause a larger lot area to be required and would meet all other requirements of this Ordinance.

(1) Mapping of slopes within areas proposed to be disturbed, with identification of the following slope intervals, based upon 2 feet contours, unless the City Engineer pre-approves a different contour interval:

(i) Over 15% and up to 25%.

(ii) Over 25% and up to 35%.

(iii) Over 35%.

(2) Location of proposed construction area.

(3) Locations of areas where healthy trees of over 6 inches in trunk width measured at 4.5' DBH (diameter at breast height) and heavy brush growth are to be removed or preserved as a result of the development of the proposed use or structure. The applicant shall minimize the cutting or removal of healthy trees with a diameter of 6 inches or more.

(g) Non-Impervious Areas. Areas used to meet the non-impervious area requirements of this Section shall be permanently set aside by deed restrictions which will run with the land and be placed in the Deeds of Conveyance by the applicant to its grantees. The language of such deed restriction shall be in a form acceptable to the City Solicitor.

(h) On areas with a slope of 25 percent or greater, a maximum of 25 percent of the tree canopy shall be cut or removed, within any 3 year period.

(i) Finished slopes of all cuts and fills shall not exceed 33 percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the City Engineer.

(j) Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within 3 days after completion of grading or in accordance with an approved erosion control plan.

(k) If a lot, subdivision or tract (whichever is more inclusive) involves more than 3 acres of all areas with greater than 25 percent slopes, then the following additional regulations shall apply:

(1) A maximum total of 35 percent of all land areas with a slope of 15 to 25 percent shall be disturbed, regraded, built upon or be affected by tree cutting.

(2) A maximum total of 10 percent of all land areas with a slope of more than 25 percent shall be disturbed, regraded, built upon or be affected by tree cutting.

ARTICLE 1317
FLOODWAY AND FLOOD-FRINGE DISTRICTS
(Entire Article amended 7-16-14 by Ordinance 2014-20)

1317.01 Intent

The intent of this Ordinance is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

1317.02 Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the City of Bethlehem unless a Permit has been obtained.

B. A Permit shall not be required for minor repairs (as defined in Section 1317.30.A.15 of this Ordinance) to existing buildings or structures.

1317.03 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the City of Bethlehem or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

1317.04 Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

1317.05 Duties and Responsibilities of the Floodplain Administrator

A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

C. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

E. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Zoning Hearing Board for whatever action it considers necessary.

F. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

G. The Floodplain Administrator is the official responsible for submitting a biennial report to the FEMA concerning community participation in the National Flood Insurance Program.

H.

I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.

J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

1317.06 Application Procedures and Requirements

A. Application for such a Permit shall be made, in writing, to the Bureau of Code Enforcement on the standard City of Bethlehem Bureau of Code Enforcement Application for Permit.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall also provide all the necessary information in sufficient detail and clarity to enable the Code Enforcement Bureau and Engineering Bureau to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

3. adequate drainage is provided so as to reduce exposure to flood hazards;

4. structures will be anchored to prevent floatation, collapse, or lateral movement;

5. building materials are flood-resistant;

6. appropriate practices that minimize flood damage have been used; and

7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Bureau of Code Enforcement to make the above determination:

1. A completed Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. north arrow, scale, and date;

b. topographic contour lines;

c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

d. the location of all existing streets, drives, and other access ways; and

e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

b. the elevation of the base flood;

c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.

4. The following data and documentation:

a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and

b. detailed information concerning any proposed floodproofing measures and corresponding elevations.

c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District with floodway (See section 1317.14 A) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.

d. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

e. detailed information needed to determine compliance with Section 1317.20 F., Storage, and Section 1317.21, Development Which May Endanger Human Life, including:

i. the amount, location and purpose of any materials or substances referred to in Sections 1317.20 F. and 1317.21 which are intended to be used, produced, stored or otherwise maintained on site.

ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1317.21 during a base flood.

f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the current fee schedule at the Bureau of Code Enforcement.

1317.07 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

1317.08 Changes

After the issuance of a Permit by the Bureau of Code Enforcement, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Bureau of Code Enforcement. Requests for any such change shall be in writing, and shall be submitted by the applicant to Bureau of Code Enforcement for consideration.

1317.09 Placards

In addition to the Permit, the Bureau of Code Enforcement shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Bureau.

1317.10 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Bureau of Code Enforcement. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Bureau of Code Enforcement to approve such a request.

1317.11 Enforcement

A. Notices

The provisions of Article 1324 of this Zoning Ordinance shall govern and apply to any person or entity who fails to comply with any or all of the requirements or provisions of this Article.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Article shall be liable if convicted of all of the penalties and procedures described in Article 1324 of this Zoning Ordinance.

1317.12 Appeals

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Article 1317, may appeal to the Zoning Hearing Board as described in Article 1325 of this Ordinance. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Zoning Officer of Building Official.

1317.13 Identification of Floodplain Areas

The identified floodplain area shall be:

A. any areas of the City of Bethlehem, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 16, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the City of Bethlehem and declared to be a part of this ordinance.

1317.14 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

A. The Floodway Area/District identified as floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS.

    1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

    2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

    1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

1317.15 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the City of Bethlehem Planning Commission following review, input and recommendation by the City Engineering Bureau where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 1317.18 (B) for situations where FEMA notification is required.

1317.16 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the City of Bethlehem Planning Commission. The burden of proof shall be on the appellant.

1317.17 Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.

1317.18 TECHNICAL PROVISIONS - General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When a community proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or

- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or

- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

The applicant shall (as per 44 CFR Part 65.12):

1. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

3. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

D. Within any Identified Floodplain Area (See Section 1317.14), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

1317.19 Elevation and Floodproofing Requirements

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 1317.14.C of this ordinance.

3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

   a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

   b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 1317.14.C of this ordinance.

3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, <u>or</u> meet or exceed the following minimum criteria:

   a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

   b. the bottom of all openings shall be no higher than one (1) foot above grade.

   c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

2. Floor area shall not exceed 200 square feet.

3. The structure will have a low damage potential.

4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

5. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

7. Sanitary facilities are prohibited.

8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

    a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

    b. the bottom of all openings shall be no higher than one (1) foot above grade.

    c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

1317.20 <u>Design and Construction Standards</u>

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill - If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;

2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities from Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 1317.21, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest edition thereof:
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

1317.21 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,

2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

3. will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and Sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited.

C. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

D. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Article 1317.21(A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation.

E. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 1317.21(A), above, shall be:

1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and

2. designed to prevent pollution from the structure or activity during the course of a base flood.

   Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

1317.22 Special Requirements for Subdivisions

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

1317.23 Special Requirements for Manufactured Homes

A. Within any Identified Floodplain Area manufactured homes shall be prohibited. No variance shall be granted.

1317.24 Special Requirements for Recreational Vehicles

A. Within any Identified Floodplain Area recreational vehicles shall be prohibited. No variance shall be granted.

1317.25 Prohibited Activities

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

    1. Hospitals

    2. Nursing homes

    3. Jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

1317.26 Existing Structures In Identified Floodplain Areas

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1317.27 shall apply.

1317.27 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

C. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.

1317.28 Variances - General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the City of Bethlehem Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements pursuant to the provisions of Article 1325 of this Zoning Ordinance.

1317.29 Variance Procedures and Conditions

Requests for variances shall be considered in accordance with the procedures contained in Article 1325 and the following:

A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.

B. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Article 1317.21).

C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. In granting any variance, whatever reasonable conditions and safeguards that are considered necessary, shall be attached in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

E. Whenever a variance is granted, the applicant shall be notified in writing that:

    1. The granting of the variance may result in increased premium rates for flood insurance.

    2. Such variances may increase the risks to life and property.

F. In reviewing any request for a variance, in addition to any other sections of this Zoning Ordinance that apply, the following shall be considered, at a minimum:

    1. That there is good and sufficient cause.

    2. That failure to grant the variance would result in exceptional hardship to the applicant.

    3. That the granting of the variance will

        a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

        b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

G. A complete record of all variance requests and related actions shall be maintained by the Zoning Officer. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

1317.30 Definitions

Unless specifically defined below, all other pertinent phrases and definitions are included in Article 1302 of this ordinance, and are hereby incorporated herein by reference thereto.

A. Additional Definitions

1. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

2. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

3. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

4. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

5. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

6. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

8. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

9. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

10. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

11. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

12. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

13. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

14. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

15. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

16. New construction - structures for which the start of construction commenced on or after the effective date of this ordinance and includes any subsequent improvements to such structures. Any construction started after July 3, 1978 and before the effective date of this ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

17. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

18. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated July 3, 1978, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

19. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated July 3, 1978, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

20. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

21. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

22. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

23. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within five (5) years after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

24. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

25. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

26. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

27. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

28. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE 1318
GENERAL REGULATIONS

This Article contains general regulations which apply to all districts, unless otherwise stated.

1318.01 District Dimensional Requirements. The dimensional requirements for each district pertaining to minimum lot area, minimum lot width, minimum yards, maximum height and maximum building coverage are specified in Section 1306, subject to the further applicable provisions of this Ordinance.

1318.02 Lot Area or Yard Required. The lot area and yards required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

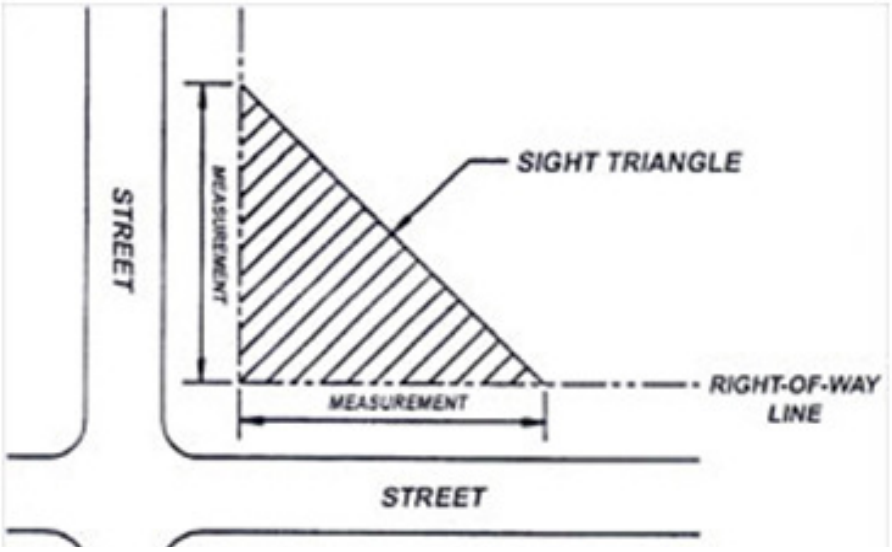
(a) Exception – Where a tract of ground in single ownership is split by a residential zone and a non-residential zone and the non-residential portion of the tract has been used to establish maximum allowable density on the residential portion of the tract, the non-residential portion of the tract may be conveyed to an adjoining non-residential property and the remaining portion of the tract shall not be considered non-conforming in any manner regardless of whether the conveyed portion has been used to establish residential density.

1318.03 Minimum Lot Width. Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width of less than is required, except that a lawful existing lot with a nonconforming lot width may be developed with one principal use and its allowed accessory uses.

1318.04 Corner Lot Exceptions to Minimum Lot Areas and Yards. See Section 1318.07. Buildings located on corner lots that are re-subdivided shall conform to the front yard requirements of the street on which they originally face, in addition to the front yard on the street on which they face after re-subdivision. A building on a corner lot may face directly towards the intersection of 2 streets, but the front corners of such building shall not project into the front yard more than 25 percent of the required depth of such front yard.

1318.05 Accessory Building Setbacks. See Section 1306.03.

1318.06 Traffic Visibility Across Corners.



(a) In any district, no structure, fence (other than a fence that is more than 50 percent non-opaque), planting (other than a trimmed canopy tree trunk), or other structure shall be maintained between a plane 3 feet above curb level and a plane 10 feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line 15 feet from the intersection of said lot lines or extensions thereof. On any corner lot in a CB or CL district, the sight triangle shall be reduced from 15 feet to 8 feet.

(b) At each point where a private accessway intersects a public street or road, a clear-sight triangle of 8 feet measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than 3 feet above the street grade and a plane 10 feet above curb level. When a private access point intersects an alley, then the clear sight triangle may be reduced to 3'.

(c) Where two alleys intersect or a street intersects with an alley, a similar sight triangle shall apply based upon the following lengths:
   (1) one side of the triangle shall be measured 15 feet along the right-of-way line of any street,
   (2) one side of the triangle shall be measured 10 feet along the right-of-way line of any alley,
   (3) where two alleys intersect, the two shorter sides of the triangle shall only be 5 feet in length,
   (4) the longer side of the triangle shall connect lines drawn under "1.," "2." or "3."

(d) In the case of a rounded property corner, the two shorter sides of the triangle shall be drawn from the intersection of the property lines extended.

(e) A utility pole 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.

(f) An existing building may be replaced with a new building without needing a larger setback to comply with this subsection.

(g) See also the City Subdivision and Land Development Ordinance, which may require a larger sight triangle or longer clear sight distances in cases regulated by such Ordinance.

1318.07 Front and Side Yards of Corner Lot. On a corner lot, the minimum side yard adjacent to a street shall equal the required front yard of the most restrictive district within the same side of the same block and fronting on the side street, except for a principal building in a residential district where the width of the side yard adjacent to the street may be 15 feet.

1318.08 Spacing of Non-Residential Buildings on the Same Lot. Where 2 or more main buildings are proposed to be built upon property in one ownership, front, side and rear yards are required only at lot lines abutting other property. See also provisions in the definition of "Condominium".

1318.09 Front Yard Regulations. Where a minimum front yard setback is specified in Section 1306, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure except as may be permitted in Section 1318.11 and hereafter.

1318.10 Establishment of Front Yard Setbacks. Front yard setbacks shall be measured from the legal right-of-way lines established for streets, as shown on official mapping of the City.

1318.11 Projections Into Front Yards. Ground story bays not over half the length of the front wall may project into any front yard up to 5 feet. Chimneys, flues, columns, sills, ornamental features, cornices, and gutters may project not more than 2 feet. Up to one third of the required front yard setback may be occupied by an unenclosed ground floor "open porch". Such porch may be screened and include a roof, but shall not include a second floor.

1318.12 Fences and Allowed Features in Front Yards. Subject to Section 1318.06, the provisions of Section 1318.09 shall not apply to front fences or walls of 4 feet or less height above the natural grade in the required front yard nor to terraces, steps, wheelchair ramps, uncovered porches, or other similar features not over 3 feet high above grade level. If an existing principal building has a nonconforming front yard setback, the 4 feet maximum height for fences and walls shall only apply to the area between the principal building and the street. Where a corner lot is required to provide a larger side yard adjacent to a street, the 4 feet maximum height for fences and walls shall apply to the area from the front lot line to the front wall of the principal building only. Decorative fence posts are permitted to be up to 6 inches higher. (Amended 9-17-13 by Ordinance 2013-22)

1318.13 Front Yard Reduction.

(a) When there is an existing building on each of 2 lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere specified in this Ordinance (and when both such existing buildings are within 100 feet of the proposed building) the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth of the lot on which the proposed building is to be erected.

(b) In a development consisting of 3 or more lots in single ownership, whether or not abutting, on the same side of a street within a single block, the front yard setback requirements for certain designated lots may be reduced by no more than 10 feet provided that the average setback for the development lots shall comply with the district requirement.

(c) In the CL and CB districts, see also Article 1311, Design Guidelines.

1318.14 Side Yard Requirements. Where a minimum width of side yard is specified in Section 1306, no building or structure shall be erected within the specified distance from either side lot line, except as specifically permitted otherwise.

1318.15 Projections Into Side Yards. Bays, balconies, unenclosed porches, unenclosed decks, chimneys, flues, and fire escapes may project into a required side yard not more than one-third of its width and not more than 4 feet in any case.

1318.16 Fences and Allowed Features in Side Yards. Subject to Section 1318.06, the provisions of Section 1318.14 shall not apply to fences or walls not over 6 feet high above the natural grade nor to unroofed patios, steps, uncovered porches or decks or other similar features not over 3 feet high above the average ground level or to wheelchair ramps. Decorative fence posts are permitted to be up to 6 inches higher. Fences in any Industrial zoning district may be a maximum height of 10 feet. (Amended 9-17-13 by Ordinance 2013-22)

1318.17 Rear Yard Requirements; Rear Fences and Decks. No building or structure shall be built within the minimum depth from the rear lot line specified in Section 1306, except as specifically permitted otherwise. Subject to Section 1318.06, the minimum rear yard depth shall not apply to fences or walls not over 6 feet high above the natural grade(with decorative fence posts up to 6 inches higher) nor to terraces, steps, uncovered porches, wheelchair ramps or similar features not over 3 feet high above the average grade level. Fences in any Industrial zoning district may be a maximum height of 10 feet. (Amended 9-17-13 by Ordinance 2013-22)

(a) Up to one third of the required minimum rear yard may be occupied by an unenclosed ground floor rear porch or wood deck, with or without a roof.

(b) If a fence is placed within an easement, the City may require the construction of a gate to allow access for the easement purposes. A fence shall not obstruct drainage in a drainage easement. Where a fence may be allowed in an easement, the owner shall assume responsibility to remove the fence if needed to accomplish work authorized by the easement.

1318.18 Rear Yard Requirements for Triangular Lots. There shall be no rear yard requirements for triangular lots.

1318.19 Maximum Height of Buildings.

(a) No building shall exceed the maximum height of buildings specified in Section 1306 except as specified in Section 1318.20.

(b) See the definition of "Height of a Structure" in Section 1302.

1318.20 Height Exceptions. Height limitations specified in Section 1306 shall not apply to barns and silos, nor to place of worship spires, belfries, cupolas, domes, radio or television aerials, electric utility towers and poles, observation, transmission or radio towers, flagpoles, chimneys, parapet walls which extend not more than 4 feet above the limiting height, bulkheads, water tanks and water towers, elevator shafts, elevator and/or machinery penthouses. Any such structures shall not have a horizontal area greater than 25 percent of the roof area of the building, except solar energy collectors have no limit. See Section 1318.27(d) for solar collection devices.

1318.21 Coverage. For any building or group of buildings on a lot, the building and impervious coverages shall not exceed the maximum percentages specified in Section 1306.

1318.22 General Performance Standards. All uses and activities established after the effective date of this Ordinance, unless otherwise indicated, shall comply with the following standards:

(a) Noise. Excessive levels of sound and vibration are detrimental and harmful to the health, comfort, living conditions, welfare and safety of citizens and injurious to their property. Noise disturbances that constitute a nuisance are considered in Section 717 of the Codified Ordinances of the City of Bethlehem.

(1) Definitions – The following words, terms and phrases when used in this Section shall have the meaning ascribed to them below, except where the context clearly indicates a different meaning. All terminology and sound measurements referred to in this Section shall be in conformance with the applicable publications of the American National Standards Institute, or its successor body. (I) Noise - Noise is any undesired sound.

(i) Decibels (dB) – A unit of measurement of the sound pressure level equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (that is, 20 Micro-newtons per square meter). Sound pressure is the instantaneous difference between the actual pressure and the average or barometric pressure at a given point as produced by sound energy.

(ii) Sound Level – The quantity in decibels obtained by the use of a sound level meter which is an instrument that includes a microphone, amplifier, output meter, and frequency weighing networks used for the measurement of noise and sound levels in a specified manner.

(iii) A-Weighted Sound Level (dBA) – The frequency weighing network that shall be used for the measurement of noises applicable to this Section is that designated as "A" by the American National Standards Institute. The A-weighted sound level denoted by dBA is the sound pressure level in decibels as measured by a sound level meter using the A-weighing network.

(iv) Pure Tone – Any sound that can be heard essentially as a single pitch or a set of single pitches. For the purposes of this Section, a pure tone shall exist if the one-third octave bank sound pressure level for the band with the tone exceeds the

arithmetic average of the sound pressure levels of the 2 contiguous octave bands by 5 dB for center frequencies of 500 Hz (that is, 500 cycles per second) and above, and 8 dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

(2) Noise Prohibitions –

(i) A person shall not cause or permit noise levels to emanate that exceed those specified in the following table, including Paragraphs (ii) and (iii), except as exempted by Paragraph (iv).

Maximum Allowed Noise Level for Receiving Land Use
at a Receiving Property Boundary, Expressed as A-Weighted Decibels ("dBA")

Land Use	Daytime*	Nighttime **
Industrial	75 dBA	75 dBA
Commercial	67 dBA	62 dBA
Institutional	60 dBA	55 dBA
Residential	60 dBA	55 dBA

* A-weighted Sound Level maximum allowed for the period 7:00 am to 10:00 pm.

** A-weighted Sound Level maximum allowed for the period 10:00 pm to 7:00 am.

(ii) A person shall not cause or permit the emission of a pure tone that exceeds an A-weighted sound level 5 dBA lower than the applicable maximum given in the above table.

(iii) A person shall not cause or permit an A-weighted sound level to emanate from construction or demolition activities that exceeds during daytime hours 90 dBA or during nighttime hours the maximum stated in the above table for the applicable land use.

(iv) Exemptions – The provisions of the Section do not apply to:

(a) Devices used only for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency or emergency work.

(b) Motor vehicle on public right-of-ways, aircraft, trains, and emergency, utility or public operations, including snow removal. See the separate City Noise Ordinance, which regulates vehicle noise.

(c) Sounds created by City-recognized sporting, amusement, entertainment, and other public gatherings conducted pursuant to other City permits or Ordinances. This exception includes, but is not limited to, public athletic contests, festivals, carnivals, fairs, parades, celebrations, and concerts.

(d) Unamplified human voices.

(b) Smoke, Dust, Fumes, Gases, Odors, Mists, Vapors and Pollens. The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollens and similar matter, or any combination thereof, which can cause any damage to human or animal health or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at the point beyond the lot line of the use creating the emission is prohibited.

(c) Heat and Glare. Any operation producing glare and/or heat shall be performed within an enclosed building or in such a manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.

(d) Vibrations. No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

(e) Electric, Diesel, Gas, or Other Power. Every use requiring power shall be so operated that the service lines, substation or other facilities shall conform to the highest safety requirements, and shall be so constructed and installed as to be an integral part of the architectural features of the plant and, except for essential poles and wires, shall not extend into any yard and shall be suitably screened from streets or any adjacent property which would be deleteriously affected by such installations.

(f) Storage and Waste Disposal. The following general regulations shall apply to the storage of materials and the disposal of materials:

(1) See the City Fire Protection Code.

(2) All outdoor storage facilities for fuel, raw materials and products; and all fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence.

(3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.

(4) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

1318.23 Buffer Yards. Buffer yards are required along rear and side lot lines in all primarily non-residential districts (such as the CM, industrial redevelopment, commercial and industrial districts), along the district boundaries between a new or expanded non-residential use and any residential and institutional districts that directly abuts the non-residential district or is only separated from the non-residential district by an ordained alley or local street. However, in a CB District, a buffer yard shall not be required where the districts are separated by an ordained street or alley. Buffer yards are also required for specific land uses as indicated in other sections of this Ordinance. Buffer yards shall comply with the following standards:

(a) The buffer yard shall be measured from the property line or from the street right-of-way line where a buffer yard is required along a street right-of-way. Unless otherwise stated, a buffer yard shall have a minimum width of 15 feet, except 8 feet shall apply in the CB or CL districts or where the applicant proves to the City Planning Bureau Staff that the 15 foot width is not possible. Where a buffer yard is required abutting a street or alley right-of-way, the width of the buffer yard shall be measured from such right-of-way.

(1) Where the applicant proves to the City Planning Bureau Staff that the provision of a buffer yard with plant screening is not possible, the City may approve the use of a mostly solid decorative fence or architectural masonry wall, with a 2 feet wide buffer yard.

(b) The buffer yard requirements shall also apply abutting primarily residential district boundary lines in an adjoining municipality.

(c) The buffer yard may be coterminous with required front, side, and rear yards, and in case of conflict, the larger yard requirements shall apply.

(d) All buffer yards shall be well maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.

(e) No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard. No vehicle parking, storage or display shall be allowed in the buffer yard. Only necessary approximately perpendicular crossings of the buffer yard by a driveway shall be allowed.

(f) Buffer yards shall include a dense screen planting of primarily evergreen trees and shrubs, also including vegetative ground cover to the full length of the lot line. The buffer yard shall be designed to serve as a barrier to visibility, airborne particles, glare and noise. Such screen planting shall be located within the buffer yard, and shall be in accordance with the following requirements:

(1) Plant materials used in the screen planting shall be at least 4 feet in height when planted and be of such species and spacing that can be expected to produce, within 3 years, a complete visual screen of at least 6 feet in height.

(2) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.

(3) Native species of plantings are strongly encouraged to help reestablish native species of birds, bees and other insects.

(4) In accordance with the provisions of Section 1318.06, a clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.

(5) The screen planting shall be broken only at points of approved vehicular or pedestrian access.

(6) Any fencing or wall shall be on the inside of the buffer yard.

(g) No screen planting shall be required along streets which form district boundary lines if only an improved facade of any proposed building shall be visible from the adjacent Residential District, and subsection (i) below does not apply.

(h) Prior to the issuance of any building permit, complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials and the placement, size, materials, and type of all fences or walls to be placed in such buffer yard shall be subject to approval by the City Staff. Such information shall also be provided to the Planning Commission as part of any required site plan review. Any wall shall be of architectural-quality masonry.

(i) A buffer yard shall also be required in the following situations:

(1) If outdoor processing or manufacturing activity or overnight parking of 2 or more tractor-trailer trucks or outdoor storage of industrial materials are visible from a public street.

(2) Six or more new apartment dwelling units are proposed abutting a lot containing an existing single family detached dwelling.

(j) An applicant may utilize a landscaped earth berm in the buffer yard, provided it has a maximum slope of 3:1 on the outside of the berm. The interior/business side of a berm may include a retaining wall. In such case, the minimum height within 3 years of the berm and the plantings combined shall be 6 feet.

(k) A buffer strip shall also be required along a public street or lot line of a dwelling where 3 or more tractor-trailers or trailers of tractor-trailer combinations will be kept overnight on a regular basis and will be visible from the street or dwelling.

(l) In addition, an 8 feet minimum width buffer strip along a public street shall be required where new parking spaces for 10 or more vehicles are proposed to be adjacent to and visible from a public street. Such buffer strip shall include plants with an anticipated mature height of at least 4 feet and deciduous shade trees. The City may require such buffer to be designed so that it is possible to have views at eye level into the parking area for security reasons.

1318.24 Notice to Adjoining Municipalities. See Section 1324.07.

1318.25 Lighting Control.

(a) Exemptions. This Section 1318.25 shall not apply to: a) street lighting that is owned, financed or maintained by the City or the State, or b) an individual porch light of less than 8 feet total height in a front yard (not including a spot light).

(b) Height of Lights. No luminaire, spotlight, wallpack or other light source shall be placed at a height exceeding 20 feet above the average surrounding ground level. The maximum height limit in any industrial zone may be increased to 30 feet unless the light source is within 200' of a residentially-zoned lot. This limitation shall not apply to: a) lights needed for air safety, b) lights intended solely to illuminate an architectural feature of a building or an American Flag, c) lighting of outdoor public recreation facilities, d) lights that are part of a permitted sign, (e) or lights within an open air parking structure. See also Section 1319.02(i).

(c) Diffused. All light sources, including signs but not including LED lighting, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.

(d) Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

(e) Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

(f) Spillover. Exterior lighting on an institutional, commercial, industrial or residential property shall not cause a spillover of light onto a principally residential lot in a residential district that exceeds 0.1 horizontal foot-candle measured line of sight inside the residential lot line.

(g) Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.

(h) Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas, outdoor storage and outdoor sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection (f) and to prevent glare onto streets.

(i) Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such building walls, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward.

(j) Upward Lighting and Lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity.

1318.26 Additional Requirements.

(a) Each garbage dumpster shall be stored within a building or be surrounded by a decorative masonry wall and/ or a weather-resistant decorative board or vinyl fence and gate.

(b) Each phase of any development shall be able to meet the requirements of this Ordinance and be able to properly function, even if later phases of development would not be completed.

(c) More than one permitted non-residential use or building shall be allowed on a lot, provided there is compliance with the requirements for each use or building. A building may include two or more allowed uses. Individual uses or buildings may be owned in a condominium arrangement, or handled through leases or other ownership arrangements approved under the Subdivision and Land Development Ordinance. Parking and driveways may be held in common ownership, provided that suitable legal mechanisms are in place to ensure long-term maintenance, which shall be subject to acceptance by the City.

(d) Any portion of a developed lot that is not used for buildings, structures, accessory uses, parking, loading areas, sidewalks or similar features shall be landscaped with trees, shrubs, hardscape or vegetative ground cover. The use of native species of plantings are strongly encouraged.

1318.27 Green Incentives.

(a) Areas of a balcony or the roof over a building or parking structure that are primarily covered by attractive vegetation and accessory walkways and are accessible to and usable by persons, and are designed to absorb significant runoff shall not count as impervious area for the purposes of calculating impervious coverage under this Ordinance. (See the City stormwater regulations to determine whether these areas would be considered impervious for the purposes of the stormwater requirements.)

(b) Areas above underground parking structures that are covered by attractive vegetation and are accessible to and usable by persons, and are designed to absorb significant runoff shall not count as building coverage for the purposes of calculating building coverage under this Ordinance.

(c) For each 1,000 square feet of building floor area that achieves LEED Certification or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of gross building floor area shall be allowed beyond the maximum building coverage requirement, up to a maximum building coverage of 20 percent beyond the percent that would otherwise be allowed.

(1) To be eligible for an incentive under this subsection (c), the applicant shall submit information prepared by a LEED certified professional to show how the project is intended to receive certification. Any changes affecting such certification shall be resubmitted in writing to the Zoning Officer. A LEED certified professional shall provide a written statement when the building is 50 percent complete to state that the project is incorporating the elements needed for certification. If the building does not achieve certification at the time of occupancy, then the building owner shall be required to install such improvements until certification is achieved. In no instance shall certification take in excess of 3 years of the issuance of the original CO. Failure to receive certification that was needed to meet the zoning requirements shall result in enforcement as a zoning violation.

1318.28 Tree Conservation.

(a) Where any existing healthy tree(s) that has a trunk diameter of 8 inches or greater (measured 4.5 feet above the ground level) are removed from a site as part of or in preparation for a development project, 1 new tree shall be planted for each such tree that is removed. The new trees shall have a minimum trunk diameter of 2.5 inches measured 6 inches above the ground level and shall meet the City species requirements that would apply to street trees, unless other species are approved by the City Forester. If there is mutual consent by the applicant and the City, some or all of the replacement trees may be planted on City owned land as an in lieu of requirement. In the RR (Rural Residential) and CM (Office Research Center) Districts, all of the above provisions shall apply, except that 2 new trees shall be planted for each such tree that is removed.

(b) Where an existing street tree is removed from a site as part of or in preparation for a development project, it shall be replaced with a new street tree meeting City street tree requirements. Where the planting of a new street tree is not feasible, such as because of conflicts with utility lines or sight triangles, the City may allow such tree to be planted at an alternative location on the site.

(c) See also Section 1319 regarding trees.

[Section 1318.28.a was amended by Ordinance No. 2015-25 on July 8, 2015]

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.

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. (Amended by Ordinance 2015-16, April 7, 2015)

ARTICLE 1319
OFF-STREET PARKING AND LOADING

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: (Amended by Ordinance 2015-17, April 7, 2015)

(1) Residences –

(i) Dwelling units other than as provided in (ii) below or a Residential Retirement Complex – two parking spaces for each dwelling unit.

(ii) Multi-family dwellings/ apartments with two or fewer bedrooms - one and three-quarter parking spaces for each dwelling unit. If 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 spaces per dwelling unit.

(2) Adult-Oriented Establishment or Massage Parlor – One parking space for every 50 square feet of building floor area that is accessible to customers.

(3) Auto Repair Garage – Four spaces for each vehicle service bay and one space per employee.

(4) Auto, Boat, Recreational Vehicle or Manufactured Home Sales – One space per 30 vehicles, boats or homes on display plus one space per 1.5 employees.

(5) Bed and Breakfast Inn – Two parking spaces for the dwelling and one additional space for each unit to be rented.

(6) Bowling Alleys – Two parking spaces for each alley, plus one space per 2 employees.

(7) Bus Terminal – One parking space for every 100 square feet of waiting room space plus one additional space for every two persons regularly employed on the premises.

(8) Convention Centers, Gymnasiums, Commercial Indoor Recreation Uses, Skating Rinks, Stadiums, Sports Arenas, Auditoriums, Theaters, and Similar Uses – One parking space for every 4 persons who may legally be admitted therein at one time under the Fire Prevention regulations.

(9) Day Care Center or Adult Day Care Center – One parking space for every 12 persons cared for, with these spaces designed for safe and convenient drop-off and pick-up, plus one additional parking space for every two employees.

(10) Dormitories, Fraternity Houses and Sorority Houses – One parking space for every four beds, plus one additional space for each two employees thereof, except for students that the institution restricts from having a vehicle (such as freshmen). The City may approve the placement of the parking at an off-site location if the institution provides a regular shuttle service.

(11) Financial Institution (Other Than Headquarters Offices) – One space per 200 square feet of floor area plus one space per 1.5 employees.

(12) Funeral Home – One parking space for each funeral vehicle plus spaces for any dwelling unit plus one additional space for each two employees (other than resident on the premises), plus one space for each 100 square feet of floor area in the largest viewing room.

(13) Gas Station – Parking or storage space for all vehicles used directly in the conduct of the business plus four spaces for each vehicle service bay and one space for every 1.5 persons employed on the premises at maximum employment on a single shift.

(14) General Business, Commercial, and Personal Service Establishments Not Specifically Covered Herein – One parking space for every 150 square feet of area accessible to customers, or two parking spaces for each employee, whichever is greater.

(15) Group Day Care Home – Parking for the dwelling unit plus one parking space for each non-resident employee.

(16) Hospitals – One parking space for every four patient beds plus three additional spaces for every four employees on the premises at peak times plus loading and unloading space for hospital ambulances and similar vehicles which are not included in the spaces required.

(17) Hotels or Motels – 0.8 parking space for each sleeping room or suite, plus one additional space per two on-site employees, plus such additional space as required by this parking schedule because of any supplementary parking–generating activities, such as a tavern, conference center, restaurant and the like. Up to 50 percent of the parking required by supplementary uses may be met by the parking spaces for the sleeping rooms.

(18) Indoor Retail Businesses (other than a Shopping Center) – Parking or storage space for all vehicles used directly in the conduct of such business plus four parking spaces per 1,000 square feet of gross floor area. For retail sales areas of furniture, lumber, carpeting, bedding or floor coverings, only one space per 800 square feet of floor area shall be required.

(19) Industrial or Manufacturing Establishment – One parking space for each 1.5 employees (based upon the maximum number employed at any one shift), plus one parking space for each 10,000 square feet of gross floor area in the buildings. If the number of employees is not known, then one space shall be provided per 1,000 square feet of building floor area.

(20) Laundromat – One parking space for every four washing machines.

(21) Libraries, Museums, Visitor Centers, Post Offices, Civic Centers and Similar Establishments – Parking or storage space for all vehicles used directly in the operation of such establishment plus four parking spaces for the first 1,000 square feet of total floor area and one additional space for every additional 250 square feet of floor area.

(22) Licensed Gaming Facilities – Parking spaces shall be required based upon the following schedule:

- (i) Twelve spaces per 1,000 square feet of gross floor area of a Licensed Gaming Facility for the initial 40,000 square feet of Licensed Gaming Facility gross floor area.
- (ii) Six spaces per 1,000 square feet of gross floor area of a Licensed Gaming Facility for the next 60,000 square feet of Licensed Gaming Facility gross floor area.
- (iii) Three spaces per 1,000 square feet of gross floor area of a Licensed Gaming Facility for any gross floor area of Licensed Gaming Facility over the first 100,000 square feet.

(23) Medical and Dental Offices – One space per 250 square feet of building floor area.

(24) Membership Club – One parking space for every 50 square feet of total floor area in the largest room of such building, plus one additional space for every two persons regularly employed on the premises.
(25) Nursing Homes, Personal Care Centers, and Assisted Living Facilities – One parking space for every six beds plus one off-street parking space for every two employees based on the greatest number of employees during any one shift.
(26) Office or Public Buildings – One parking space for each 1.5 employees. Where the number of employees is unknown, one space per 300 square feet of building floor area.
(27) Outdoor Retail Businesses – Parking or storage space for all vehicles used directly in the conduct of such business plus two parking spaces for each person employed.
(28) Place of Worship – One space per five seats in room of largest capacity. For pews without individual seats, each 24 inches shall count as one seat.
(29) Repair Shops and Other Service Establishments – Parking or storage space for all vehicles used directly in the conduct of the business plus two parking spaces for each person regularly employed on the premises.
(30) Residential Retirement Complex or Housing for Persons 62 Years or Older or Persons with Physical Disabilities – One-half parking space for each dwelling unit and one space per 1.5 employees of the complex during a maximum shift.
(31) Restaurants, Night Clubs and Taverns – One parking space for each two employees, plus one space for every four seats for customers. A use without seats shall include a minimum of one space for every 4 persons of allowed building capacity under the Fire Code.
(32) Roadside Stands, Car Washes, or other Roadside Service Establishments – One parking space for each employee plus additional spaces or equivalent standing area for customer-motorists in the ratio of one space for every 50 lineal feet of road frontage.
(33) Rooming and Boarding Houses – One parking space for each sleeping room to be occupied by roomers or boarders, plus one space for each dwelling unit on the premises, and plus one additional space for every two persons regularly employed on the premises.
(34) Schools – One parking space for each 1.5 employees plus off-street spaces for the safe and convenient loading and unloading of students, plus one space for every 10 students in the 12th grade.
(35) Self-Storage Warehouses - One space for every 40 rental units, plus one space per on-site employee.
(36) Shopping Centers – Four parking spaces for every 1,000 square feet of gross floor area. In an enclosed shopping mall, however, that floor area which is used exclusively for pedestrian traffic and which is not within the area specifically assigned to a particular store, may be excluded from the gross floor area computation.
(37) Trade / Hobby Schools – One space per two students age 16 or older on premises during peak times plus one per 1.5 employees.
(38) Treatment Center – One space per two residents age 16 or older plus one space per on-site resident intended to be treated at peak times, plus one space per 1.5 employees.

(39) Universities and Colleges – One parking space for every two persons employed at peak periods at the institution, plus one space for each five non-resident students on the premises at peak times, plus parking for on-campus housing, plus additional space as required by this parking schedule because of any supplementary parking generating activities at the institution. The City may approve the use of off-site parking if the institution provides a regular shuttle service.

(40) Warehouses, Distribution and Trucking Terminals – Parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for each 1.5 persons regularly employed on the premises. If the number of employees is not known, then one space shall be provided per 1,000 square feet of building floor area.

(41) Wholesale Businesses – Parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for each 1.5 persons employed on the premises based on maximum seasonal employment.

1319.02 General Regulations Applying to Required Off-Street Parking Facilities.

(a) Existing Parking. Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

(b) Change in Requirements and Modifications to Parking Requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of Section 1319.01, the total additional parking required for the alteration, change or extension shall be provided within 120 days in accordance with the requirements of that section.

(1) An existing commercial use in a CL district in a building that existed prior to the adoption of this Ordinance may change to a different permitted commercial use without providing for additional parking that may be needed for the new commercial use, provided the building is not expanded and no new residential units are added.

(2) Within the CL district, as a special exception, the Zoning Hearing Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking if the applicant proves that there is an excess of on-street parking spaces during hours when the business will have its peak demand.

(3) If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

(4) Seats for up to 20 persons in seasonal unenclosed outdoor seating for a restaurant may be added without requiring additional off-street parking.

(5) As a special exception, the Zoning Hearing Board is authorized to approve modifications to the off-street parking requirements for a lot if the applicant proves to the satisfaction of the Zoning Hearing Board that such modifications are necessary to allow appropriate adaptive reuse of an existing principal non-residential building into a new approved use.

(6) Reduction of Parking Requirements.

(a) Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.

(b) As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.

(c) The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as number of employees, peak expected number of customers/visitors, adjacent on-street parking and similar data.

(d) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees and/or to subsidize use of public transit for employees.

(e) Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.

(i) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the City determines it is necessary. A deed restriction is recommended.

(ii) If approved under this subsection "(e)", the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet City requirements.

(iii) The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the City may require that the land be developed as parking.

(iv) If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property owner. The property owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

(7) Seasonal Dining. This subsection shall apply if a restaurant in a commercial district adds seasonal outdoor seating (for up to 8 months per year) to existing indoor seating. In such case, up to 20 additional customer seats may be added without requiring additional off-street parking for such seats. This provision shall only apply to seating that is in use for less than 8 months a year, and which is in non-enclosed outdoor areas.

(c) Conflict with Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

(d) Continuing Character of Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. The number of required off-street parking spaces that are being provided shall not be reduced unless the applicant proves to the Zoning Officer that a reduction in the number of dwelling units, floor area, seats, employees or similar applicable measurement has also been reduced to conform with this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, or hazard, or unreasonable impediment to traffic.

(e) Joint Use.

(1) Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. If a parking area includes principal non-residential use(s) that are routinely not occupied outside of the hours of 8 AM to 6 PM and dwelling units, and all of the spaces are shared among all of the uses, then the total number of required off-street parking may be reduced by 25 percent. A written agreement must be submitted to the Zoning Officer.

(2) The number of spaces required in a shared parking facility may also be reduced below the total required by approval of the Planning and Zoning Bureau if it can be demonstrated to such Bureau that the hours or days of peak parking needed for the various uses are so different that a lower total will provide adequately for all uses served by the facility.

(f) Fractional Spaces. Where the computation of required parking space results in a fractional number, any fraction of the next higher number shall be counted as one.

(g) Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, except as follows:

(1) Required off-street parking spaces may be on a separate lot from the use served by the parking if the applicant proves to the satisfaction of the Zoning Officer that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation. Such parking distance shall be a maximum of 200 feet of walking distance from any dwelling units that are served and within 300 feet walking distance from the entrance of the principal non-residential use being served. Such distance may be increased to 500 feet of entrance for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable. For customer parking, a sign shall direct persons to the parking spaces. The zoning permit shall be conditioned upon the continued availability of the parking, unless the applicant provides evidence of suitable replacement parking.

(2) Reserved.

(3) For non-residential districts, see limits on front yard parking in the Dimensional Table in Article 1306 and for the CL and CB districts in Article 1311.

(4) In a residential district, a driveway located in a front yard shall be setback a minimum of 2.5 feet from a lot line of an abutting dwelling, unless the City specifically approves a shared driveway in that location. Such setback shall be maintained in vegetation.

(5) All new driveways or accessways serving a principal business or institutional use shall be setback a minimum of 10 feet from a lot of a dwelling in a residential district.

(6) Any new or expanded parking areas serving a principal business or institutional use or a principal parking lot shall be separated from the curbline of a street (not including an alley) by a minimum of 15 feet, which shall be maintained in vegetation, except for pedestrian sidewalks and perpendicular driveway crossings, unless a stricter requirement is established by another provision.

(h) Maintenance and Surfacing of Parking Area. For all vehicle parking areas of 3 or more spaces, the area not landscaped and so maintained, including driveways and loading areas, shall be graded, surfaced with a durable, all-weather pavement parking surface, and drained to the satisfaction of the City Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.

(1) Such parking, loading and driveway surfaces shall be surfaced with asphalt, concrete, paving block, or other materials pre-approved by the City Engineer.

(i) The City Engineer may approve parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the City Engineer may allow such parking spaces to be grass, while major aisles are covered by stone.

(ii) If the design and materials are found to be acceptable by the City Engineer, portions of parking areas may be covered with a porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone.

(iii) If a lot for a dwelling includes 3 or fewer outdoor off-street parking spaces, a hard-surface may be used under the tire treads, while grass or other vegetative surface is used between the tire treads.

(i) Lighting. Light poles are strongly encouraged to have a maximum height of 20 feet. See Section 1318.25.

(j) Street Trees and Parking Lot Trees.

(1) Street trees meeting requirements of the City shall be required on each side of every public and private street. A minimum average of one street tree shall be required for each 30 feet of public or private street length, unless existing trees will be preserved to serve the same purpose, or unless the City allows an average of one tree for every 50 feet for trees with larger canopies.

(2) In addition, a minimum average of one deciduous shade tree shall be required for every 15 surface parking spaces. Such deciduous trees shall meet the street trees requirements of the Subdivision and Land Development Ordinance. No more than 20 consecutive surface parking spaces shall be located in a straight row (not including adjacent spaces accessed from a different aisle) without being separated by a landscaped island with a deciduous tree.

(3) Required deciduous trees shall have a minimum trunk diameter of 2.5 inches measured six inches above the ground, and a minimum ten feet height above the ground when planted. Each required large deciduous shade tree within a parking lot shall be surrounded by a minimum 9'x18' planting area. The City may require curbing or other methods to protect trees from damage by vehicles. Only species of trees that are on the City's list of approved street trees shall be used to meet a requirement of this Ordinance for a required deciduous tree, unless otherwise approved by the City Forester.

(k) Access to a non-residential use and its related off-street parking shall be from a street where over 50 percent of the frontage on both sides of a street is non-residential in use, unless no other feasible alternative exists.

(l) In the PI district, no parking of vehicles shall be permitted in front of a line 20 feet back from the property line.

(m) In any residential district, off-street parking shall only be permitted to occupy a maximum of 50 percent of a required front yard. In all cases, access from an alleyway must be the first option explored.

(n) Parking for Persons With Disabilities/Handicapped Parking.

(1) Number of Spaces. See requirements under the Federal Americans with Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

(2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

(3) Minimum Size and Slope. See requirements of the Americans with Disabilities Act regulations.

(4) Marking. All required handicapped spaces shall be well-marked in compliance with the Americans with Disabilities Act. Such signs and/or markings shall be maintained over time.

(5) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

(o) Bicycle Parking. For proposed nonresidential and multi-unit residential land uses, bicycle parking shall be equivalent to 5 percent of the off-street vehicle parking requirement, with a minimum of 2 spaces in any event. Bicycle hitches, racks or lockers may be used. For example, one inverted U rack will count as two bicycle parking spaces.

(1) Location – Racks shall be within 30 feet of building entrance(s). All bicycle parking provided shall be on concrete, and located a minimum distance as follows from any wall:

Bike Orientation	Minimum Distance of Rack from Wall
Parallel to wall	24 inches
Perpendicular to wall	30 inches

(*Covered parking is encouraged where possible.)*

(2) Maintenance – The current landowner shall be responsible to ensure that the hitch, rack or locker continues to be available and is well maintained and is replaced if damaged or removed. If the hitch, rack or locker is within a street Right of Way, a City encroachment permit shall be required.

1319.03 Design Standards. The design standards specified below shall be required for all off-street parking facilities with a capacity of five or more vehicles built after the effective date of this Ordinance.

(a) The minimum dimensions of stalls and aisles shall be as follows:

(1) Parking space stalls shall include a rectangular area with a minimum width of 9 feet and a minimum length of 18 feet. If a lot or structure includes 40 or more spaces, a maximum of 20 percent of the spaces may include a minimum rectangular area of 8.5 by 16 feet, if such spaces are marked "compact cars only" and are distributed so that they are not the most convenient spaces on the lot. The compact car stall width may be 8 feet by 16 feet within a parking structure. The minimum width of non-compact parking spaces in a parking structure may be reduced to 8.5 feet.

(2) The minimum parking stall length shall be 22 feet for parallel parking.

(3) Minimum width of driveway aisles providing access to stalls, varying with the angle of the parking shall be:

Angle of Parking	Minimum Aisle Width For One-Way Traffic
Parallel	12 feet
1 to 34 Degrees	12 feet
35 to 54 Degrees	14 feet
55 to 89 Degrees	18 feet
90 Degrees	20 feet

(4) The minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet. Within a parking structure of two or more levels or underground parking, the above aisle widths may each be reduced by two feet.

(b) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except for parking for a one-family dwelling.

(c) Unless a different width is specifically approved by the Department of Public Works or is required by PennDOT, the width of entrance and exit drives shall be:
(1) A maximum of 20 feet at the curb line for one-way use only.
(2) A maximum of 35 feet at the curb line for two-way use.

(d) Where there is an intersection of two streets, an entrance or exit drive shall be a minimum of 25 feet from the intersection of the street lines as defined by this Code.

(e) In no case shall parking areas for five or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot. Vehicles may back into an alley. For parking areas of four or less spaces, the Planning and Zoning Bureau may require the provision of a turnaround area so that vehicles do not back out onto a higher speed street.

(f) Location of parking spaces. See Section 1319.02(g).

(g) All parking spaces shall be separated from the street curb line by a concrete curb, planting strip (where appropriate) and sidewalk, all built to City specifications. Any areas between a sidewalk and the curb shall be maintained in vegetation, except at perpendicular driveway crossings and except for pedestrian sidewalks. See Section 1319.02(g) concerning a vegetated area between the curb and parking if deemed necessary. Parking areas shall be equipped with adequate barriers, such as tire bumpers, to prevent vehicles from projecting beyond the designated parking areas and into pedestrian ways.

(h) In any parking area of five or more spaces in a Residential District or abutting a Residential District, all spaces not within a building shall be provided with a suitable mostly solid fence, architectural wall or evergreen planting at least four feet in height, designed to screen noise, odors, visibility and headlight glare, and located between such parking spaces and any lot in a Residential District that abuts directly or across a street

(i) No vehicle with a gross vehicle weight of more than 10,000 pounds, no tractor trailer cab and/or truck and no trailer of a tractor-trailer combination, no bus, school bus, or cube/box/cargo/container truck may be parked on a residential lot, except as necessary for on-site construction or occasional deliveries. Standard pick-up trucks and/or passenger vans are exempted from this designation or definition . (Amended 12-24-12, Ord. 2012 – 43)

1319.04 <u>Off-Street Loading.</u> Except within the CB district, every building or structure having over 4,000 square feet of gross floor area used for the retail sale, display, storage, manufacture, preparation, and/or distribution of foods, merchandise, or materials or any other uses involved in large volume receipt and distribution by vehicles of merchandise and materials shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, if suitable, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining

property. Loading areas shall not intrude into a required buffer yard. The term "loading space" shall also mean an "unloading space". At least the following off-street loading space requirements for specific uses shall be provided (a) Retail Business and Service Establishments. One off-street loading space of at least 11 feet by 35 feet for establishments containing between 4,000 and 25,000 square feet of floor area, provided that in computing said area contiguous establishments may be considered as a single unit. If a lot contains a structure(s) totaling more than 25,000 square feet of floor area, there shall be at least one additional space. More than two spaces may be required by the proper authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.

(b) Manufacturing Uses and Other Industrial Uses Not Listed Separately. One off-street loading space at least 11 feet by 50 feet for the first 10,000 square feet of floor area. Fourteen thousand or more square feet of floor area shall require two spaces. More than two spaces may be required by the proper authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.

(c) Warehouses, Distribution and Wholesale Storage Facilities. One off-street loading space at least 11 feet by 50 feet for the first 7,500 square feet of floor area. Twelve thousand or more square feet of floor area shall require two spaces. More than two spaces shall be required by the proper authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.

(d) Freight Terminals and Trucking Terminals. One off-street loading space at least 11 feet by 50 feet for the first 5,000 square feet of building area. Eight thousand or more square feet of building area shall require two spaces. More than two spaces shall be required by the authority having jurisdiction (Zoning Officer, Zoning Hearing Board, or the City Planning Commission) at the time of site plan review.

(e) Existing Buildings. As part of a permitted reuse of an existing building, where a nonconformity regarding off-street loading facilities of a proposed new use would be similar to the previous use, and there would not be a substantial increase in the need for off-street loading facilities from the previous use to the proposed use, then the existing amount of off-street loading facilities may be continued.

(f) Hours of Operation. For any loading dock in a Residential Zone or within 100 feet of a Residential District boundary line the hours of dock operation, deliveries and engine idling shall be restricted to 6 AM to 10 PM daily.

1319.05 Design and Layout of Off-Street Loading Facilities.

(a) Off-street loading facilities shall be designed to be sufficient to accommodate the largest vehicle that routinely services the use.

(1) In no case shall a required space be less than 11 feet in width, 30 feet in length, and 14 feet in height. A required loading space shall not block customer access onto or off of the lot and shall not intrude into a street or required buffer yard.

(2) There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.

(3) See driveway widths in Section 1319.03(c).

(4) All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the City Engineer, to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways or adjacent properties.

(5) Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, or a hazard or unreasonable impediment to traffic.

(6) The screening and lighting requirements of Section 1318.05 shall apply when applicable.

(b) All required loading facilities shall be provided and maintained in accordance with the following requirements:

(1) They shall be provided and maintained so long as the use exists which the facilities were designed to serve.

(2) They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Article.

(3) Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pick-up vehicles that they are designed to serve.

1319.06 Parking of Recreational Vehicles in Residential Zoning Districts

(a) The purpose of this section is to establish standards for outdoor residential uses, storage and activities related to recreational vehicles and watercraft. These standards are intended to protect property values by reducing visual blight, aid in emergency access and fire safety, guard against the creation of rodent and pest harborage, and reduce the impact on the natural environment from the leakage of motor vehicles.

(b) A recreational vehicle may be stored on a residential lot if ALL of the following are met:

(1) The vehicle is less than forty feet (40') in length.

(2) The vehicle is in a side or rear yard behind the front façade of the building and in compliance with the setback requirements to accessory structures in that district.

(3) The vehicle is sight-screened from abutting properties by solid board fencing or sight obscuring landscaping at least six (6) feet in height. Sight screening is not required along the alley side of the storage area.

(4) The vehicle is parked on a solid surface parking pad constructed of either macadam or concrete; and

(5) All recreational vehicles and watercraft shall be maintained in a clean, well-kept condition. All recreational vehicles and watercraft must be kept operational and currently licensed and inspected.

(c) A recreational vehicle may be parked on a residential lot when guests visit for up to seven (7) days and no more than three (3) times per year. The recreational vehicle must be parked to prohibit obstruction of other driveways or the right-of-way.

(d) A recreational vehicle may be temporarily parked in a residential district for the purpose of loading and unloading items for a period not to exceed three (3) days.

(e) There shall be no parking of recreational vehicles or watercraft for compensation in any Residential Zoning District. (Amended 12-24-12, Ord. 2012 – 43)

ARTICLE 1320
SIGNS

1320.01 Purposes. This Article recognizes that signs perform an important function by identifying uses, but this must be balanced with controls to promote the health, safety and general welfare. This Article is intended to lessen hazards to pedestrian and vehicular traffic; preserve property values; prevent unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses; prevent signs from reaching such excessive size that they obscure one another to the detriment of all concerned; and secure certain fundamentals of design for the City.

1320.02 Definition of Sign. Sign shall mean and include any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface that shall display or include any letter, word insignia, flag, or representation used as, or which is the nature of, an advertisement, announcement, visual communication, or direction. Flags of any governmental unit or branch or of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a wall of a building are excluded.

1320.03 Location of Signs.

(a) On-Premises Sign. A sign which directs attention to a person, business, profession, occupation or activity conducted on the same lot.

(b) Off-Premises Sign. A sign which directs attention to a person, business, profession, product, home occupation or activity not conducted on the same lot.

1320.04 Types of Signs.

(a) Animated Sign. A sign with action or motion with moving images which require electrical energy, but not including wind actuated elements, such as flags or banners. This term does not include public service signs, such as time and temperature signs. This term shall not include an allowed electronically changing message sign.

(b) Awning Sign. A sign that is mounted or printed on, or attached to, an awning, canopy or marquee, provided, however, that the sign does not project above, below or beyond the awning, canopy or marquee.

(c) Banner. A type of sign that is made of flexible material and is not internally illuminated.

(d) Billboard. A type of off-premises sign that has a sign area of more than 10 square feet.

(e) Digital Sign – An off-premise advertising sign that utilizes digital or video light emitting diodes (LEDs) or similar electronic methods to create a changeable image display area.

(f) Directly Illuminated Sign. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including, but not limited to, neon and exposed lamp signs.

(g) Electronically Changing Message Sign. An on-premises or off-premises sign or portion thereof designed to accommodate frequent message changes composed of characters or letters, and that can be changed or rearranged electronically without altering the face or surface of such sign.

(h) Freestanding Signs. A self-supporting sign resting or supported by means of poles or standards on the ground.

(i) Flashing and Moving Sign. An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use. Illuminated signs which indicate the time, temperature, date or other public service information shall not be considered flashing signs.

(j) Indirectly Illuminated Sign. A sign illuminated with a light so shielded that no direct rays there from are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

(k) Projecting Sign. Any sign mounted to a wall or other vertical building surface other than a wall sign. A projecting sign is generally perpendicular to a wall.

(l) Roof Sign. A sign erected upon or above the roof or parapet of a building.

(m) Sidewalk or Sandwich Board Sign. A freestanding, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way.

(n) Wall Sign. A sign mounted to a wall or other vertical building surface.

(o) Window Sign. A temporary or permanent sign which is oriented to the public right-of-way, is legible to persons in vehicles, and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

(p) See Section 1320.06 concerning allowance of other types of signs.

1320.05 Area of Signs.

(a) The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, awning, or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.

(c) In computing square foot area of a double-face sign, only one side shall be considered provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign area.

1320.06 Permit Requirements for Signs. Only signs that are specifically permitted by this Ordinance shall be allowed. All on-premises signs over 6 square feet in area, all projecting signs extending into the public right of way, and all off-premises signs regardless of size shall require the issuance of a zoning permit before erection or replacement. A permit may also be required in other circumstances under the Construction Code. All signs must comply with all of the regulations contained herein, regardless of whether a permit is required. No permit shall be required for a mere change of copy on a sign. The repainting of an existing sign does not require a permit as long as there is no change to size or location of the sign proposed and as long as the sign is for an already permitted use.

(a) If a painted wall sign was not visible for the previous 10 years, it shall be considered abandoned, and shall not be repainted with a new message if it becomes visible because of a building demolition.

1320.07 General Sign Regulations. The following requirements shall apply to all signs:

(a) Signs may be illuminated by direct lighting but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks.

(b) No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveway, through confusion with a traffic control device (by reason of color, location, shape or other characteristic), or through any other means. No sign shall violate the corner visibility restrictions in Section 1318.06, except that a sign pole with a width of up to 18 inches may intrude into a sight triangle.

(c) All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. See also the Electrical Code.

(d) Signs existing at the time of passage of this Ordinance which do not conform to the requirements of the Ordinance shall be considered non-conforming signs. However, non-conforming signs may be repainted, repaired (including lighting) or replaced provided such repainted, repaired or replaced signs do not exceed the dimensions of the existing sign. Copy may also be changed. Non-conforming signs, once removed for a period of 90 days, may be replaced only with signs which conform to provisions of this Ordinance.

(e) If an establishment has walls fronting on two or more streets, the total wall sign area along each street may be computed separately. If a lot is allowed to have a freestanding sign on two streets, the applicant may choose to combine the allowed sign areas for a single freestanding sign.

(f) No signs (except those of a duly constituted governmental body, including traffic signs and similar regulatory notices) shall be allowed within a street right-of-way unless specifically authorized by other ordinances and regulations of the City.

(g) No sign (except such directional devices as may be required by the Federal Aviation Authority), shall be placed, inscribed or supported upon the roof that the sign abuts or upon any structure which extends above the roof of any building, except that a sign may be attached to a parapet wall that extends up to 5 feet above the roof and which is architecturally integrated with the building.

(h) Any vehicle or trailer to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose but becomes a primary purpose in itself shall be considered a free-standing sign and as such be subject to the provisions regarding free-standing signs in the district in which such vehicle or trailer is located.

(i) Off-premise signs. See Sections 1320.09 (b) and 1320.10 (b).

(j) Flashing, blinking, mechanically moving, twinkling or animated signs of any type are prohibited. Strobe lighting shall be prohibited, except for temporary charitable events. This provision shall not prohibit scrolling and electronically changing message signs provided they meet subsection "(s)" below, except time and temperature signs and signs posted by the city or a state agency may change more frequently. Aerial lasers and spotlights aimed into the sky shall not be allowed as promotional devices.

(k) Setbacks. No on-premise freestanding sign in a Commercial, Industrial or Industrial Redevelopment District shall extend within 25 feet of any Residential or Institutional District boundary line. See clear sight triangle provisions in Section 1318.06. A freestanding sign shall not project into a street or alley right-of-way, and shall be setback a minimum of 5 feet from such right-of-way, except such setback shall be increased to 10 feet in the PI District and no sign setback shall be required in the CB or CL Districts.

(l) Reserved.

(m) Temporary Signs. Temporary uses that are approved by the zoning officer shall be permitted to erect temporary signs on the same lot as the temporary use provided that they comply with all requirements of this ordinance and that they are removed from the lot when the temporary use is no longer in operation or is no longer permitted on the lot.

(n) Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, except as provided in subsection "(g)" above, and shall not project more than 18 inches from its surface.

(o) Projecting signs shall not project more than 3.5 feet from the wall or surface to which they are mounted nor in any way shall they interfere with normal pedestrian or vehicular traffic. See minimum vertical clearance requirements in the Construction Code.

(p) Banner Signs. Banner signs shall be permitted on non-residential properties in business or industrial districts provided they comply with the following regulations:

(1) Banners shall be properly secured to a building or suspended from some part of a building.

(2) Banners shall not exceed 64 square feet in area.

(3) A permit is required for banner signs.

(4) Banner signs are only permitted for two periods of 15-day periods during any calendar year. The banners must promptly be removed at the end of the 15-day period.

(q) Promotional Devices. A promotional device may include, but is not limited to, balloons, flags with a message, streamers or other figures tethered to the ground or a building intended for the purpose of advertising a business, event or product. Promotional devices are only permitted on a non-residential property in a commercial or industrial district with the following provisions:

(1) The devices are permitted for a maximum period of 7 days for a maximum of four times per year. A period of 3 weeks shall pass between promotional periods.

(2) No promotional devices shall be higher than the roofline of the main building.

(3) The devices shall be properly secured.

(4) The devices shall comply with all other ordinance provisions, including clear sight distance.

(5) No balloon or other inflated device shall be larger than 120 cubic feet.

(r) A permit is not required for signs that are not readable from a public right of way or an adjoining property.

(s) Digital Signs and Electronically Changing Message Signs. The following provisions shall apply:

(1) All messages, images, or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of 10 seconds, except signs with a changeable sign area of less than 30 square feet in a commercial district may change a minimum interval of every six seconds.

(2) The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one second.

(3) There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.

(4) There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement or flow of the message, image or display.

(5) The intensity and contrast of light levels shall remain constant throughout the sign face.
(6) Each digital sign or electronically changing message sign shall be equipped with automatic day/night dimming software, to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.
(7) If an off-premises sign, or any portion thereof, is a digital sign or electronically changing message sign, the sign shall be set back a minimum of 1,000 feet from any other off-premises digital sign or electronically changing message sign.

1320.08 Signs Permitted in Residential and Institutional Districts. No sign shall be permitted except as follows:

(a) On-Premises Signs.

(1) Official traffic signs and other official Federal, State, County and City governmental signs.
(2) Signs identifying the occupant of the premises are allowed, provided that the area of any such sign shall not exceed one square foot and not more than one such sign shall be erected for each dwelling or establishment. If such property fronts on more than one street, then one such sign per establishment may be erected on each street frontage. A sign for a Bed and Breakfast Inn in a residential district shall have a maximum sign area of 4 square feet, with one such sign allowed per street frontage.
(3) One freestanding sign shall be permitted on a lot occupied by one or more allowed principal non-residential uses provided that the sign area of such sign shall not exceed 8 square feet. In the R-T Residential District, signs shall not exceed 6 square feet for motor vehicle parking lots. Not more than one such sign shall be placed on each street frontage. If a permitted non-residential building is located on an arterial street, then the sign area may be increased to a maximum of 16 square feet. A portion or all of the freestanding sign allowance may be used for a sandwich board sign provided that it meets all of the requirements of Section 1320.09(a)(2)(ii). For institutional uses, see subsection (13) below.
(4) Signs advertising the sale, lease or rental of property, provided that the area of any such sign shall not exceed 6 square feet and not more than one such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one street, in which case, one such sign may be erected on each street frontage. All signs shall be removed within 7 days after an agreement of sale or rental has been entered into. In addition to the foregoing, one open house sign shall be permitted subject to the conditions listed under 1320.08(b)(3). Two off premises signs shall also be permitted as stated in 1320.08(b)(3).
(5) Trespassing signs, signs indicating the private nature of a road, driveway, or premises, provided that the area of any such sign shall not exceed two square feet.
(6) Temporary signs erected in connection with the development or proposed development of the premises by a builder, contractor, developer, financier or other persons interested in such sale or development, provided that the aggregate area of the signs shall not exceed 20 square feet on a tract of less than one acre and 100 square feet on a larger tract. Such signs shall be removed within 20 days after the last structure has been initially occupied. Where a real estate developer is engaged in selling lots only, then temporary signs advertising the sale of lots in the subdivision shall be permitted during the initial period of the development project, which period

shall commence with the recording date of the subdivision map and shall end at the latest when construction is complete.(7) Temporary signs of mechanics, tradespersons or artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that such signs shall be removed upon completion of work by such entity, and the total areas of all such signs shall not exceed 20 square feet.

(8) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization shall not exceed 32 square feet in area and shall be removed immediately upon completion of the campaign, drive, or event.

(9) Signs for identification of permitted home occupation, provided that the area of any such sign shall not exceed 2 square feet. However, the aggregate square footage of signs erected under 1320.08(a)(2) and this Section shall not exceed 2 square feet. Such signs exceeding a total of one square foot in size shall have to meet the front yard setback requirements of this Ordinance.

(10) Apartment developments may have one sign, one square foot in area, for each dwelling unit in the development up to a maximum of 20 square feet. If the development fronts on more than one street, there may be one such sign for each street frontage.

(11) Wall and projecting signs for permitted principal non-conforming uses or a principal use approved by a use variance shall meet the following and Section 1320.07:

(i) Signs attached to the main wall of a principal building shall not project more than 3.5 feet therefrom and no portion shall be less than 7.5 feet above the basic grade and no more than 25 feet above grade. Such signs shall not exceed 22.5 square feet.

(ii) The total area of all wall signs shall not exceed 10 percent of the area of the building face (including window and door area and cornices) to which they are attached. In no case, however, shall a projecting sign exceed 8 square feet and the total of all wall signs exceed 50 square feet.

(iii) Permanent window signs shall be considered wall signs and included in this computation, but shall nevertheless not exceed 20 percent of the total window area on each street.

(iv) Such signs shall conform to the setback regulations for a non-residential use in the district.

(12) No sign in a residential district shall be illuminated between the hours of 10:00 P.M. and 7:00 A.M.

(13) One freestanding sign shall be allowed per street frontage for principal institutional uses located in a Residential District. Such sign shall have a maximum sign area of one square foot in area for each 10 feet of lot frontage along a public street, up to a maximum of 40 square feet per street frontage. In addition, one projecting sign shall be allowed per lot, which shall have a maximum size of 8 square feet. A principal institutional building in a residential district shall have a maximum wall sign area of 50 square feet, in addition to any religious symbols. All signs illuminated indirectly from artificial sources shall be so arranged so that no direct rays of light are projected from such artificial source into residential properties or onto public streets.

(14) Signs for institutional uses in an Institutional District shall involve a maximum of 40 square feet of wall sign area per principal building side facing onto a street and a maximum of 40 square foot freestanding sign per principal building per street frontage. In addition, one 50 square foot freestanding sign shall be allowed at each entryway to a college or university campus or hospital complex along a public street. In addition, one projecting sign shall be allowed per principal building, which shall have a maximum size of 8 square feet.

(15) Signs for allowed commercial uses in an Institutional Overlay District shall involve wall signs with a sign area that does not exceed more than 10 percent of the building face to which the signs are attached. In addition, one projecting sign shall be allowed per business establishment, which shall have a maximum size of 8 square feet. In addition, one freestanding sign may placed per street frontage to advertise multiple commercial uses, with a maximum sign area of 40 square feet and a maximum height of 8 feet.

(16) Any illuminated or indirectly illuminated sign that is used for advertising or identification of a permitted non-residential use, may only be illuminated during the hours in which such use is in operation.

(b) Off-Premises Signs.

(1) Signs directing patrons, members, or audiences to temporary exhibits, shows, or events located in the City subject to the following requirements:

(i) No such sign shall exceed 8 square feet in area.

(ii) Signs shall be removed within one week after the date of the exhibit, show or election if they pertain to such event.

(iii) This provision shall also allow a sign that states an opinion of a political issue.

(iv) No such sign shall be posted earlier than three weeks before the occurrence of the event to which it relates, with the exception of political signs.

(v) No such sign shall impede the safety of traffic or pedestrians.

(vi) Such signs shall not be placed in a public street right-of-way or on City-owned land, except for City-sponsored events or events held on City property.

(2) Signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings at railroad crossings, and other official signs which are similarly authorized or erected by a duly constituted governmental body.

(3) The off-premises placement of signs directing persons to the sale, lease, or auction of property shall be permitted, subject to the following conditions:

(i) The signs shall only be permitted a maximum of 3 days per week.

(ii) No sign shall exceed 6 square feet.

(iii) No sign shall be posted earlier than 8:00 A.M. on the day that it is displayed.

(iv) No sign shall impede the safety of traffic or pedestrians.

1320.09 Signs Permitted in the Commercial and Industrial Redevelopment Districts. No sign shall be permitted except as follows:

(a) On-Premises Signs.

(1) All signs permitted in Section 1320.08(a) in compliance with the standards prescribed therein, except as otherwise provided in this Section and in Section 1320.07.

(2) Wall and projecting signs, providing:

(i) Signs attached to a main wall of a principal building shall not project more than 3.5 feet therefrom and no portion shall be less than 8 feet above the basic grade and no more than 25 feet above grade. If not projecting more than 3 inches from a wall of a building, the sign need not conform to the vertical clearance limit. Any wall sign may equal the height of the building.

(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 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.

(iii) Permanent window signs shall be considered wall signs and included in this computation but shall nevertheless not exceed 40 percent of the total window area on each street.

(iv) In the case of a Shopping Center District, the provisions of this Section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, or similar use in percentage of exterior building face, but the 200 square feet limit shall not apply. All signs shall conform to an overall scheme or arrangement design which shall be subject to approval or disapproval by the Director of the Planning Bureau or his/her designee. Sign materials, lighting, position on the building, and size, shall all be specified in such approval. If the Shopping Center District contains an enclosed mall area, each entrance to the mall may be designated by a sign no wider than the entrance, and at a height not exceeding the building height.

(v) An awning sign is permitted provided that the awning complies with the requirements of the Building Code, the awning is at least 7.5 feet above ground level, and the size of the sign portion of the awning does not exceed the total area for wall and projecting signs as noted above.

(3) <u>Freestanding Signs.</u>

(i) Shall be limited to one, except for an establishment which fronts on two or more streets, in which case a sign may be erected in each yard fronting on a street. If a lot is allowed 2 freestanding signs, the applicant may combine the allowed sign area onto a single freestanding sign.

(ii) No freestanding signs shall be located within the clear sight triangle. No portion of any sign shall be more than 30 feet above the ground, except such signs as described in (iv) and (v).

(iii) The area of any freestanding sign (except such signs as described in (iv) and (v) below), shall not exceed one square foot for each two feet of lineal lot frontage or 50 square feet, whichever is smaller. If a lot includes three or more separate commercial establishments, an additional ten square feet of freestanding sign area shall be allowed for each establishment greater than two. If a lot includes franchises for retail sales of motor vehicles involving two or more distinct new automobile manufacturers, one freestanding sign of 50 square feet each shall be allowed for each manufacturer, up to a maximum of 4 signs.

(iv) No sign shall be located beyond the rear or side wall of the main building when the rear or side property line on which it is situated abuts a Residential or Institutional District, except signs that convey information such as parking, entrances and traffic flow directions. The area of one side of any such sign shall not exceed 6 square feet. The name of the business located on the premises may appear on such signs.

(v) No portion of a Shopping Center free-standing sign shall be more than 40 feet above the ground. The area of any one side of such sign shall not exceed 150 square feet and only one such sign shall be allowed. The location or orientation of such sign shall be shown on the development plan.

(vi) In the case of a Shopping Center in the CS District, the number of its freestanding signs shall be according to the following schedule: Parking facilities from 100 to 500 cars–one freestanding signs shall be allowed. For every additional increment of 500 parking spaces, 1 additional freestanding sign is permitted. At no time shall there be more than 4 freestanding signs per Shopping Center.

(4) See also Article 1306.10 which allows sign modifications in the IR and IR-R districts.

(b) Off-Premise Signs.

(1) All signs permitted in Section 1320.08(b) at the standards prescribed therein except as otherwise provided in this Section.

(2) Only such directional devices as may be required by the Federal Aviation Authority shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the roof of any building.

(3) Billboards shall be permitted as follows:

(i) All wall signs shall not exceed two square feet for each foot of length of that portion of such wall which is devoted to such establishment or 100 square feet, whichever is smaller. Said signs are permitted on a side or rear wall only if such wall abuts a street, driveway, or parking area. No sign shall be more than 25 feet above the basic grade.

(ii) Freestanding signs abutting Route 378 shall not exceed one square foot of sign area for each 2 feet of lot frontage or 100 square feet, whichever is smaller. Not more than one such sign shall be placed on a property in single and separate ownership. No sign shall be more than 25 feet above the basic grade.

(iii) Freestanding signs up to 300 square feet are permitted on Airport Road.

(iv) Off premises advertising sign structures intended or designed to be viewed from Route 22 or Interstate 78 shall not exceed a maximum area of 672 square feet on each of two (2) sides or a maximum height of 25 feet above the grade of I-78 or Route 22. If the interior angle within the inside of the two attached sides of a sign is greater than 30 degrees, then the maximum sign areas shall apply to the total of the two sides. No off-premises advertising sign shall have more than two sides. The minimum separation distance between these signs shall be 500 feet.

(v) No off premises sign shall be located nearer than 300 feet to a Residential District nor closer than 300 feet to any other off-premises sign.

(vi) An existing off-premises sign shall only be permitted to be converted to a digital sign if: a) all of the requirements of Section 1320.07(s) are met, and b) the off-premises sign would be able to meet all of the current requirements that apply to off-premises signs as if the off-premises sign would be newly placed on the property, and c) it is located only on Routes 22, I-78 and 378.

(vii) All freestanding signs shall meet setback requirements for a principal building.

(viii) New digital/electronic billboards will only be allowed on Routes 22, I-78 and 378.

(ix) No additional off-premises signs shall be permitted on Stefko Boulevard, Hellertown Road or Schoenersville Road.

(x) See also Section 1320.07(s).

(c) Sidewalk or Sandwich Board Signs. Sidewalk and Sandwich Board Signs are permitted in all Commercial and Industrial Redevelopment Zoning Districts, as well as for lawful principal commercial uses in other districts, provided that they meet the following provisions:

(1) No more than one sign may be permitted in front of owner's building.

(2) Sandwich board or sidewalk signs shall not exceed 2 feet in width and 4 feet in overall height. A minimum unobstructed sidewalk width of five feet shall be maintained.

(3) No sign shall be placed in the clear sight triangle.

(4) The sign may only be displayed during business hours; otherwise, signs must be removed from the sidewalk area.

(5) Such signs may not have any moving parts, flags, banners, balloons, or other attachments and may not be illuminated, directly or indirectly.

(6) Such signs shall be constructed of durable material and be appropriately weighted to provide stability.

(7) An encroachment permit is required from the Public Works Department for each sandwich board or sidewalk sign located in the public right of way prior to the issuance of a sign permit. The permit must be renewed yearly

1320.10 Signs Permitted in Industrial Districts.

(a) On-Premises Signs.

(1) All signs permitted in Section 1320.09 at the standards prescribed therein except as otherwise provided in this Section and in Section 1320.07.

(2) Signs for permitted uses provided:

(i) All wall and projecting signs shall not exceed 2 square feet for each foot of length of the front building wall or length of that portion of such wall which is devoted to such establishment or 375 square feet, whichever is smaller. Said signs are permitted on a side or rear wall only if such wall abuts a street, driveway or parking area. No sign shall be more than 25 feet above the basic grade nor shall be closer than 100 feet to a residential area.

(ii) Freestanding signs shall not exceed one square foot of sign area for each 2 feet of lot frontage or 375 square feet, whichever is smaller. Not more than one such sign shall be placed on a property unless it fronts on more than one street, in which case one such sign may be erected on each street frontage. In addition one freestanding sign, indicating the name of an industrial park and the industries within may be erected along each highway on which the park fronts.

The location and design of such signs shall be subject to review and approval by the Planning Commission.

(3) No sign shall project higher than the roof line. No sign shall be located beyond the rear or side wall of the main building when the rear or side property line upon which it is situated abuts a Residential District.

(b) Off-Premise Signs.

(1) All signs permitted in Section 1320.09(b) at the standards prescribed therein, shall be permitted.

(2) See also Section 1320.07(s).

(c) The following requirements shall apply in the case of the Planned Industrial District:

(1) One sign indicating the name of the industrial park and the industries therein may be erected along each highway on which the PI District fronts. Such sign may be free standing or attached to a wall or fence.

(2) Identification signs for individual industries shall be permanently attached to the building and shall preferably be part of the architectural design of a building. One sign may be placed on the front, sides, or rear of a building or on all sides, provided the area conforms with the formula established in (a)(2)(i) above. One freestanding sign is permitted per property unless it fronts on more than one street, in which case one such sign may be erected on each street frontage. The sign shall not exceed the area derived from the formula established in (a)(2)(ii) above and must remain at least ten feet from the property line. The sign may not exceed 25 feet in height.

(3) A temporary sign not to exceed 150 square feet may be erected during construction within the rear half of required yards facing upon streets. The purpose of such a sign is to identify the industry which will occupy the lot and the organizations or persons concerned with its construction. A temporary use permit shall be obtained from the office of the Bureau of Inspections. Temporary signs shall be removed within 30 days following completion of construction.

ARTICLE 1321
LANDMARKS AND HISTORIC RESOURCES

1321.01 Purpose

(a) The City has regulated certain portions of the City by way of designating them Historic Districts. However, the City recognizes that buildings outside the Historic Districts may be classified as Landmarks or historic resources and are important to preserve, as provided for in the Municipalities Planning Code. It is the purpose and intent of this ordinance to promote, protect, enhance, and preserve historic resources for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings and areas of historic interest or importance within the City located outside the City Historic Districts; to safeguard the heritage of the City by preserving and regulating landmarks and property of historical interest which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to foster appropriate economic development; to strengthen the City's economy by the stimulation of tourism; to establish and improve property values; to foster civic pride in the beauty and accomplishments of the City's past; and to preserve and protect the cultural, historical and architectural assets of the City which have been determined to be of local, state or national significance.

1321.02 Definitions

(a) Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated:

(b) For the purpose of this Ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The masculine gender includes the feminine and neuter genders, and the feminine gender includes the masculine and neuter genders. The word "shall" is mandatory. The word "used" includes "designated, intended, built or arranged to be used." Words not defined below shall have the meanings given in Webster's Unabridged Dictionary

(1) Alteration - Any visual or physical change to a building, including the repair, replacement, or addition of any exterior structural, decorative or accessory element or feature, but excluding demolition, new construction, reconstruction or removal of any character-defining architectural elements of any building or part thereof.

(2) Appurtenance - A subordinate component or structural feature, such as a porch, attached and affixed with the intent of permanence to a principal structure.

(3) Completed Application - An application for demolition of a historic landmark that conforms to submittal requirements for review under the provisions of this Section 1321.01.

(4) Demolition - The dismantling, tearing down or razing of all or part of any building or structure, including the permanent removal of character-defining architectural elements, such as porches and porticos.

(5) Demolition by Neglect – The absence of routine maintenance and repair which can lead to a building or structure's structural weakness, decay and deterioration resulting in its demolition.

(6) Historic Conservation Commission - The official review board, which is charged with the responsibility to recommend to City Council, following deliberations at public meetings, the approval, approval with conditions or denial of demolition of historic landmarks under the provisions of this ordinance.

(7) Historic Officer - A municipal employee or individual retained by the City and designated as the individual responsible for advising the Historic Conservation Commission and applicants/property owners regarding activities regulated by this section.

(8) Landmark – An individual site, element or building that demonstrates historical, architectural, cultural, archaeological, educational or aesthetic merit.

(9) Maintenance - Work that does not alter the exterior fabric or features of a building or structure and has no material effect on the historic, archaeological, or architectural or cultural significance to a building or structure.

(10) Reconstruction - The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.

(11) Regulated Activity - Any activity requiring review and approval by the City of Bethlehem under the provisions of this ordinance.

(12) Repair - The process of rehabilitation which warrants additional work beyond maintenance. Repair includes, but is not limited to, patching, piecing in, splicing, consolidating or otherwise reinforcing materials.

(13) Replacement - To install new materials or components in place of existing materials or components, such as removing existing windows or doors and installing new windows or doors, regardless of whether the same material and design or a different material or design.

(14) Restoration - The process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from the period.

1321.03 Landmarks and Historic Resources

(a) At its July 19, 2011 meeting the City Council adopted the "Preservation Plan for the City of Bethlehem" (Preservation Plan). The Preservation Plan identifies in its Appendix B a Tier One List of Historic Resources. All properties listed in Tier One Appendix B of the Preservation Plan are considered Landmarks as defined in this ordinance and must comply with all aspects of the provisions in this Section 1321, Landmarks and Historic Resources. All such properties are also listed here in Table 1. The structures in Tier Four are located on the former Bethlehem Steel Company property. The historic properties on the former Bethlehem Steel site were assessed previously for structures to be saved, adaptively restored, and/or demolished. A copy of this plan that was agreed to by the City of Bethlehem shall be attached to this Ordinance. This Ordinance or the designation of these properties do not preclude the owners of these properties from applying for acceptance of these structures, individually or as a whole, to the National Register of Historic Places, or for other historic honors or designations.

(b) Criteria for designation of a Landmark. A building, complex of buildings, structure or site may be designated a Landmark.

To guide in the assessment of significance, the following local criteria for listing are applied. These criteria apply to districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations and:

- that are associated with events that have made a significant contribution to the broad patterns of our history; or
- that are associated with the lives of persons significant in our past; or
- that embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- that have yielded, or may be likely to yield, information important in history or prehistory.

These are modeled after the criteria for listing on the National Register of Historic Places.

Evaluation of Integrity
In addition to historic significance, the historic integrity of each resource is assessed. The National Park Service defines historic integrity as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period". Integrity is assessed based on seven qualities: location, design, setting, materials, workmanship, feeling, and aspects of construction dating from the period when it attained significance.

Appendix A of the Historic Preservation Plan also discusses several themes of historic contexts which can be used to further guide discussion evaluating integrity and significance of a site.

(c) Designation of landmarks and historic resources. It is understood that over time there will be additional resources that may qualify as Landmarks. The following process shall be followed prior to the inclusion of any additional Landmarks to the Tier One list or the Landmarks and Historic Resources Map.

(1) A property owner, business owner, resident or neighborhood group shall submit a complete "Historic Resource Survey Form" to the Planning and Zoning Bureau. An incomplete Form will not be accepted.

(2) The Historic Officer, in coordination with the Planning and Zoning Bureau, will review the application and the feasibility of the proposed site for designation as a Landmark as defined in this section 1321. All complete Survey Forms will be reviewed against the "Evaluating Bethlehem's Historic Resources" and "Historic Contexts" sections located in Appendix A of the Preservation Plan.

(3) A formal recommendation is prepared and submitted to the Historic Conservation Commission (HCC) for review and consideration at their next available meeting.

(4) Concurrently, the HCC recommendation is submitted to the Pennsylvania Historic and Museum Commission (PHMC) as a courtesy for their review and consideration of the proposal, so that they have the opportunity to comment if they choose.

(5) After receipt of the recommendations of the Historic Commission and PHMC, City Council shall, after notice to all affected property owners and the opportunity for all affected property owners to be present at a hearing to designate any building or structure as a landmark or historic resource, consider the designation of landmarks and shall define, in accordance with

the criteria set forth in the Preservation Plan, the boundaries of such landmarks or historic resources.

(6) All landmarks shall be placed on a Historic Landmarks and Resources Map. The Historic Landmarks and Resources Map shall be located in the Planning and Zoning Office and made available for public inspection.

1321.04 Historic Conservation Commission – Membership

The Historic Conservation Commission regulating this ordinance shall be the same body which regulates Section 1714.01 et seq. entitled Historic Conservation District South Bethlehem and Mount Airy.

1321.05 Powers and Duties of the Historic Conservation Commission

(a) The Historic Conservation Commission shall have the following advisory responsibilities:

(1) review applications for regulated activities listed in Section 1321 of this Ordinance;

(2) consider the financial feasibility of its recommendations based on cost estimates and other financial documentation provided by the applicant when necessary;

(3) Submit written recommendations to City Council regarding the advisability of issuing any demolition permit for a historic landmark by the Building Official.

(4) Review and prepare recommendations or additions of Landmarks to the official Historic Landmarks and Resources Map as submitted by the Planning and Zoning Bureau.

(b) Recommendations Regarding Demolition Permits for Historic Landmarks - The Commission shall base its recommendations of approval, conditional approval, or denial to City Council on the following:

(1) the integrity of exterior architectural features which can be seen from a public street or way, including the general design, arrangement, texture, and materials of the building or structure and the relation of such factors to similar features of surrounding buildings and structures of the period of significance.

(2) the effect which the proposed change will have upon the general historic and architectural nature of the Landmark;

(3) the written determination of appropriateness by the Historic Officer; and

(4) the applicant's justification for the proposed activity, including financial feasibility and cost estimates. Recommendations to Council may include conditions of approval that modify an applicant's initial application.

(c) Recommendations Against Issuance of Demolition Permits for Historic Landmarks - If the Commission decides to recommend against the granting of a demolition permit for a historic landmark, it shall indicate to the applicant those changes, if any, which would result in a positive recommendation. The Commission shall withhold its report to Council if the applicant agrees to return to the Commission at a future regularly scheduled meeting with revised plans for its consideration.

(d) Compensation - Commission members shall serve without compensation.

(e) Meetings - The Historic Conservation Commission shall meet at scheduled public meetings, and if determined necessary, at special meetings, advertised in accordance with the Pennsylvania Sunshine Law.

1321.06 Powers and Duties of City Council

(a) The City Council shall certify to the appropriateness of the proposed demolition of any building, in whole or in part, listed on the Landmark and Historic Resources Map.

(b) The City Council shall consider the recommendations of the Historic Conservation Commission and PHMC, as applicable**,** for all applications for the demolition of any building, in whole or in part, listed on the Landmark and Historic Resources Map.

(c) The City Council shall vote to approve, to approve with conditions, or to deny any application for the demolition of any building, in whole or in part, listed on the Landmark and Historic Resources Map.

(d) The City Council, in determining whether or not to certify to the appropriateness of the demolition of any building, in whole or in part, shall consider the effect which the proposed change will have upon the general historic and architectural nature of surrounding area and the City as a whole.

(e) Upon approval of the proposed demolition, the City Council shall issue a resolution authorizing the issuance of a demolition permit for the approved activity to the Building Official.

(f) Disapproval by City Council shall be in writing, stating reasons therefore, and a copy of the disapproval shall be given to the applicant, the Building Official, the Historic Officer, PHMC and the Historic Conservation Commission.

(g) The City Council shall consider recommendations of additions of landmarks to the official Landmark and Historic Resources Map as forwarded by the Historic Conservation Commission.

1321.07 Demolition Applications

(a) Any demolition as defined in Section 1321.02(b)(5) visible from the public way within any site listed on the Landmark and Historic Resources Map requiring the issuance of a demolition permit by the Building Official in accordance with the City Building Code, shall require approval by City Council as described in this Section 1321, except that demolition of accessory structures with footprints less than 100 square feet shall be exempt from the provisions of this Ordinance. As described in the definition section of this ordinance, the permanent removal of character-defining architectural elements, including, but not limited to, porches and porticos are also defined as demolition and require review as described in this section.

(b) Applications for demolition permits shall be accompanied by the following:

(1) photographs of the building, structure, or part thereof proposed for demolition;

(2) photographic evidence and written description of the deteriorated condition of the building or structure;

(3) reason(s) for the demolition;

(4) explanation why rehabilitation, reuse, plan alteration, or stabilization with the intent to market and sell the property is not feasible or desirable;

(5) proposed future use of the lot or part thereof occupied by the building or structure proposed for demolition and timeline for implementation of proposed future use; and

(6) statement on disposition of architectural features/ building materials.

(c) The demolition of any Landmark listed on the official Landmark or Historic Resources Map shall be considered a last resort, only after the applicant can either:

(1) Demonstrate that no other viable alternatives for reuse of the building exist. Documentation shall be detailed and comprehensive and completed by a professional in the field of real estate or development. This demonstration shall include:

(I) Detailed analysis of the building's adaptive re-use feasibility,

(II) Tangible evidence that no feasible re-use has been found within an 18-month period, and

(III) Tangible evidence that no sales or rentals have been possible during an 18-month period of significant marketing. (Amended 9-17-13 by Ordinance 2013-21)

(2) Demonstrate that the there is unreasonable economic hardship.

(I) When a claim of unreasonable economic hardship is made in reference to demolition due to the effect of this Ordinance, the owner of record must present evidence sufficient to prove that as a result of the Commission's action, he/she is unable to obtain a reasonable return or a reasonable beneficial use from the property and that unreasonable economic hardship is not self-imposed. The owner of record shall submit by affidavit to the Commission some or all of the information below, at the discretion of the Commission, which shall include but not be limited to the following:

(i) Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.

(ii) Date property was acquired by current owner.

(iii) Name and address of previous owner.

(iv) Purchase price.

(v) Current equity in the property.

(vi) All appraisals and/or market value analyses obtained within the previous two years by the owner or applicant in connection with purchase, offering for sale, financing or ownership of the property, or for other purposes. If none were previously prepared, a current appraisal or market value analysis shall be required.

(vii) The Commission may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

(viii) The Commission may require and consider studies and economic analyses relating to the property in question.

(ix) Should the Commission determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The Commission may choose to recommend to the City Council and City Administration that special economic incentives be developed to assist the owner in maintaining the property and obtaining a suitable economic return or achieving a reasonable beneficial use.

(x) Should the applicant prove to the satisfaction of the Commission that he/she will suffer an unreasonable economic hardship if a demolition permit is not approved, and should the Commission be unable to develop with the City Council or Administration a solution which can relieve the owner's economic hardship, the Commission may recommend approval of a demolition permit.

(d) No building shall be demolished until a land development review of any proposed new buildings or other use for the lot has been conducted and approved by the Planning Commission.

(e) In cases where applications for proposed demolition occur, the Historic Commission may recommend to the Council that the proposed demolition be postponed for a period not to exceed nine months. The moving of a building shall be encouraged as an alternative to demolition if there is no other way to preserve the building. Any matter of immediate threat to health and safety shall override any postponement of demolition.

(f) Demolition by Neglect - All buildings and structures listed as a Landmark in the City of Bethlehem shall be maintained in good repair, structurally sound and reasonably protected against decay and deterioration. All buildings and structures shall be maintained to meet at least the minimum requirements of the most recently adopted edition of the Property Maintenance Code. Any condition existing at a Landmark building or structure that does not meet the minimum requirement of the Property Maintenance Code shall be considered a violation of both the Property Maintenance Code and this Landmarks and Historic Resources ordinance. Examples of such deterioration include:

(1) Deterioration of exterior walls or other vertical supports,
(2) Deterioration of roofs or other horizontal members,

(3) Deterioration of exterior chimneys,
(4) Deterioration of crumbling of exterior stucco or mortar,
(5) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors,
(6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.

1321.08 Application Review Procedure

(a) The applicant shall submit a completed application for a permit for any demolition, in whole or in part, for any site listed on the Landmark and Historic Resources Map to the Building Official.

(b) Following the submission, the Historic Officer shall review each application, field inspect the property, consult with the applicant, if necessary, and prepare a written recommendation to the Historic Conservation Commission and applicant.

(c) At the time of application, the owner of record or his/her representative shall be advised of the time and place of the Commission meeting when his/her application will be considered and shall be advised that his/her or said representative's attendance at the meeting is required.

(d) The Historic Conservation Commission shall render a decision and recommendation on any application no later than 60 days after the filing of a complete application, unless an extension of time is granted.

(e) Upon the Commission's rendering a decision, the Historic Officer shall submit the Commission's recommendation to the Council in time for action at its next regularly scheduled meeting.

(f) If the City Council approves the application, with any conditions recommended by the Commission, it shall issue a resolution authorizing the Building Official to issue a demolition permit for the work covered pursuant to those conditions.

(g) If City Council disapproves, written reason(s) shall be given to the Building Official, the applicant and the Historic Officer.

(h) Upon receipt of a written disapproval of the City Council, the Building Official shall disapprove the application for a demolition permit and so advise the applicant. The applicant may appeal this disapproval to the County Court of Common Pleas within the time specified by law.

(i) In either case of approval or disapproval, the City Council shall notify the applicant of its decision within thirty (30) days of its meeting at which the application was considered.

1321.09 Notice of Violation.

The Building Official shall serve notice of violation on the property owner of record for any demolition, in whole or in part, demolition by neglect or for work done contrary to the work authorized by any building permit issued pursuant to this Section 1321.

1321.10 Enforcement

The Building Official or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Ordinance. If an existing building or structure has been demolished in violation of the provisions of this Ordinance, no City of Bethlehem permit shall be issued for five years from the date of notice of violation.

1321.99 Penalty

Any person, property owner, occupant, firm or contractor violating any of the provisions of this Ordinance shall, upon conviction therefore, be fined not more than five hundred dollars ($500), for each offense thereafter, together with costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety days. Each day of violation as to any section of this article shall constitute a separate offense.

(Entire Article 1321 Added April 17, 2013 Ord. 2013-12)

Table 1

Identified Historic Resources (Final Reading - 4/16/2013)

Sufficiently Documented
Each of the resources listed in this cluster meet local criteria for individual landmark and/or historic district protection. There is also sufficient documentation to support the designation of each resource.

Name	Location
1. Bethlehem Silk Mill* (1)	238 W Goepp Street
2. Odd Fellows Building (Farr's Building)*	2 W Broad Street
3. Union Bank & Trust Building	52 W Broad Street
4. Siegfried Pharmacy (Ambre Studio)	310 W Broad Street
5. Burnside Plantation*	Schoenersville Rd at Monocacy Creek
6. Floyd Simons Armory* (1)	301 Prospect Avenue
7. Bethlehem Foundry & Machine Co (Weldship)* (1)	225 W 2nd Street
8. Bethlehem Steel Plant #2 (Johnson Machine Shop) *	11 West 2nd Street
9. Illick's Mill/Monocacy Park*	100 Illick's Mill Road
10. Liberty High School* (1) (3)	1115 Linden Street
11. Saucon Park (scenic)*	Fire Lane
12. Holy Ghost Catholic Church (2)	417 Carlton Avenue
13. Fritz Memorial United Methodist Church (2)	468 Montclair Avenue
14. Monoquacy Church, Altonah Church (2)	902 Macada Road
15. St. Peter's Lutheran Church (2)	472 Vine Street
16. Packer Memorial Church* (2)	18 University Drive
17. St. Joseph Roman Catholic Slovenian Church (2)	413 East 5th Street
18. Saints Cyril & Methodius Church (2)	617 Pierce Street
19. St. Stanislaus Polish Church (2)	419-429 Hayes Street
20. St. John Capistrano Church (2)	910 E 4th Street
21. Christ Lutheran Church (2)	Easton Road, RD #5
22. St. Nicholas Russian Orthodox Church (2)	E 6th Street
23. Elmwood Park Historic District*	
24. Pembroke Village Historic District*	

* Eligible or listed on the National Register of Historic Places

(1) The ordinance only applies to the main building on the site. Accessory buildings or later additions are not included in this ordinance.
(2) The ordinance applies only to the main church building. Accessory buildings, rectories, or church school buildings are not included.
(3) The ordinance only applies to the Liberty High School Original Commons Building constructed in 1922.

ARTICLE 1322
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

1322.01 Purposes

This Article lists additional requirements for certain uses that are either permitted by right or special exception uses.

1322.02 Procedure for Uses Required to Undergo Planning Commission Site Plan Review

(a) Applicability.
  (1) A Site Plan shall be submitted to the Planning and Zoning Bureau for review by City Staff. The plan may be forwarded to the City Planning Commission where the matter involves one or more of the following:
    (i) Another section of this Ordinance requires a City Planning Commission site plan review.
    (ii) The project will involve a special exception application or use variance for a new principal non-residential or multi-family building.
    (iii) The project will involve the addition of 10 or more off-street parking spaces.
    (iv) The project will involve 10,000 square feet or greater of new principal non-residential building space.
    (v) Other projects that the Planning Bureau Staff determine may have significant impacts upon an adjacent neighborhood.
  (2) Such site plan shall be submitted to the Zoning Officer at the same time as an application is made to the Zoning Hearing Board for such matter. Whenever feasible, such review should occur prior to a Zoning Hearing Board hearing on such matter.
  (3) The City Planning Commission may then forward its review to the Zoning Officer, including comments for use in preparing any Zoning Hearing Board notice. The Planning Commission may recommend conditions for approval that should be considered by the Zoning Hearing Board and/or may recommend disapproval. This provision is set forth because of the considerable impacts that these land uses may have upon the community. The plan review is intended to emphasize layout, traffic and neighborhood compatibility issues, as opposed to the engineering details required under any later subdivision or land development plan process. This process enables both the City and applicant to uncover any matters which may impact feasibility.

(b) The applicant shall submit an accurate site plan showing existing and proposed development for review by the City Staff and the City Planning Commission. This review process should occur prior to formal review of a subdivision and land development plan.

(c) Procedure.
  (1) Site plans are not required at this stage to be a fully engineered land development plan. Site Plans shall include the following information:
    (i) A statement as to the proposed use of the building or land.

(ii) A site layout drawn to a scale of not less than one inch equals 50 feet showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

(iii) Proposed parking areas, aisles and vehicle access points onto streets.

(d) Plan Review Criteria. The City Planning Commission shall use the following criteria when reviewing all sketch-type plans:

(1) Preservation of Natural Features. Insofar as practical, natural features on the site shall be preserved. See Articles 1316, 1317 and other natural feature provisions.

(2) Building Arrangement. Elements of the site plan shall be harmoniously and efficiently organized in relation to existing desirable trees, topography, views within and beyond the site, the size and shape of the site, the character of adjoining property and the size of the buildings.

(3) Access, Parking and Circulation. With respect to vehicular and pedestrian circulation, special attention shall be given to location and number of access points to public streets, width of interior drives and access points, on-site circulation, separation of pedestrian and vehicular traffic, and arrangement and location of parking areas. The need for adequate signalization, channelization, and other traffic control measures shall be given consideration.

(4) Utilities. Electric and telephone lines shall be underground where practical. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.

(5) Special Features. Setbacks, buffer yard and other screening methods shall be carefully considered to minimize the visual effect of exposed storage area, exposed machinery installations, service areas, truck loading area, utility buildings and structures, and similar accessory areas and structures.

1322.03 Additional Requirements for Certain Uses.

The following uses shall meet the following additional requirements, in addition to all other applicable requirements. Where this Article and another provision of this Ordinance apply to the exact same matter, the provision that is most restrictive upon development or use shall apply. See also the Site Plan Review Criteria in Section 1322.02.

(a) Adult Day Care Center.

(1) Shall be fully licensed by the State, if required by the State.

(2) Shall include constant supervision during all hours of operation.

(3) Shall not meet the definition of a "treatment facility".

(b) Adult Oriented Establishments and Massage Parlors.

(1) Purposes - To serve the intent and respond to the findings provided in Title 68, Part II, Subpart E, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, which are hereby included by reference. To serve the overall objectives of this Ordinance, and the following purposes:

(i) To recognize the adverse secondary impacts of Adult Oriented Establishments that affect health, safety and general welfare concerns of the City. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Oriented Establishments typically involve insufficient self-regulation to control these secondary effects.

(ii) To limit Adult Oriented Establishments to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.

(iii) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.

(2) The building housing an Adult Oriented Establishment or Massage Parlor shall not be located within 1,000 lineal feet of another Adult Oriented Establishment or Massage Parlor.

(3) The lot line of a lot occupied by an Adult Oriented Establishment or Massage Parlor shall be located a minimum of the following distances:

(i) 1,000 feet from a residential zoning district or the lot line of an Elementary or Secondary School,

(ii) 500 feet from the lot line of a lot occupied by any of the following uses: Church, Synagogue, Mosque or Similar Place of Regularly Scheduled Religious Worship; Library, Child Day Care Center or Nursery School; Public Park or Playground; or Existing Dwelling Unit.

(iii) The setbacks for an Adult Oriented Establishment shall also apply from dwellings, uses and residential districts located in an adjacent municipality.

(4) No Adult Oriented Establishment shall be located within 5,000 lineal feet from the lot line of any Licensed Gaming Facility or the lot line of any location where a Licensed Gaming Facility is under official State consideration for a license under the Pennsylvania Race Horse Development and Gaming Act.

(5) A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.

(6) No pornographic material, displays, signs or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.

(7) No Adult Oriented Establishment shall be used for any purpose that violates any Federal, State or municipal law.

(8) The Adult Oriented Establishment shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.

(9) An Adult Oriented Establishment shall be prohibited in all Districts except as a special exception use in the HI District. An Adult Oriented Establishment is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
(10) A minimum lot area of 1 acre is required.
(11) For public health reasons, private booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
(12) No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers or between employees or entertainers and customers. At an Adult Oriented Establishment involving "live entertainment", employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing".
(13) Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor.
(14) Any application for an Adult Oriented Entertainment use shall state the names and business addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during City business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
(15) The use shall not operate between the hours of 1 a.m. and 7 a.m.
(16) As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters), as amended.
(17) An Adult Oriented Establishment shall not be on the same lot as a use that sells alcoholic beverages.
(18) All Adult Oriented Establishments shall require a Zoning Permit and a Certificate of Occupancy from the City before being open for business.

(c) <u>After Hours Club.</u> This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that the use would be determined to be allowed, a 200 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place. See also the BYOB regulations.

(d) <u>Airport.</u> The applicant shall prove that applicable reviews and approvals by appropriate Federal and State agencies will be met.

(e) <u>Auto, Boat or Mobile/ Manufactured Home Sales.</u>
(1) No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area.
(2) Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks.

(f) Auto Repair Garage or Auto Body Shop.

(1) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 200 feet of a lot line of a principal dwelling.

(2) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.

(3) Any "junk vehicle" shall not be stored for more than 30 days within view of a public street or a dwelling, unless it is actively under repair.

(4) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.

(5) A new use shall have sufficient off-street parking for customer vehicles.

(g) Bed and Breakfast Inn.

(1) No more than 5 rooms may be offered for rent in a residential district.

(2) The bed and breakfast must be in an existing structure and not a new structure or outbuilding.

(3) In a residential district, the only meal to be served is breakfast and to lodgers of the bed and breakfast exclusively.

(4) Signs shall conform to Section 1320.08(a)(2), in a residential district.

(5) No exterior structural alteration of the building shall be made except as may be necessary for purposes of sanitation, handicapped accessibility, historic rehabilitation or safety.

(6) The bed and breakfast must meet all City requirements for health, fire, and building safety.

(7) The bed and breakfast must be in operation a minimum of 6 months per year.

(8) The maximum uninterrupted length of stay shall be fourteen (14) days.

(h) Boarding House (includes Rooming House).

(1) Minimum lot area- 15,000 square feet.

(2) Minimum side yard building setback - 15 feet each side

(3) Maximum density- 3,000 square feet of lot area per rental unit.

(4) See occupancy limits in the Property Maintenance Code.

(5) Rooms shall be rented for a minimum period of 5 consecutive days.

(i) B.Y.O.B. Club.

(1) The provisions of Article 736 of the Codified Ordinances of the City of Bethlehem shall apply, including but not limited to, limits on hours of operation and minimum setbacks from residential districts and certain uses.

(2) A B.Y.O.B. Club that is open after 2 AM is also effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).

(3) A B.Y.O.B. Club shall only be allowed in a zoning district where such use is specifically listed in this Zoning Ordinance as being allowed.

(j) Car Wash.

(1) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.

(2) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
(3) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
(4) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

(k) Cemetery.
(1) Minimum lot area - five (5) acres. Any building or area used for storage of equipment shall be setback a minimum of 50 feet from any lot in a residential district.
(2) A plan shall be submitted which, in general, shall conform to all the requirements of a subdivision plan, except that individual lots need not be shown. No plan shall be acceptable which does not provide for the continuation of existing streets or of streets already projected or shown on a part of a comprehensive plan for all or a portion of the City, unless a study by the City Planning Commission shows that certain streets may be modified or eliminated. Land for required streets shall be dedicated by such plan.
(3) No grave sites shall be placed within 20 feet of any lot line or within 20 feet of a street right-of-way or an interior driveway through the cemetery.
(4) The applicant shall submit draft legal provisions for review by the City Solicitor to show that an acceptable system will be in place to assure the long-term maintenance of the cemetery.

(l) Check Cashing Business.
(1) The building area occupied by a Check Cashing Business shall not be located within:
(i) 1,000 feet from the closest building area occupied by another Check Cashing Business or
(ii) 5,000 feet from the lot line of a Licensed Gaming Facility.

(m) Commercial Communications Tower or Antennae.
(1) Purposes - The purpose of these regulations is to minimize the number of new commercial communication towers through encouraging co-location of commercial communication antennas, to ensure that new towers will be safe and be placed in suitable locations, and to help ensure that municipal land use regulations are in compliance with the Telecommunications Act of 1996.
(2) Definitions
(i) Cellular Telephone - A system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a wireless telephone.

(ii) Commercial Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pacer, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas, and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

(iii) Commercial Communications Tower - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communication antennas.

(iv) Fall Zone - The area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communications tower. The fall zone shall be determined by the applicant's engineer and subject to the review and approval of the City Engineer.

(v) Height of Tower - The overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

(vi) Public Utility Transmission Tower - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

(3) District Requirements

(i) Commercial communication towers shall not be permitted in any residential zoning district.

(ii) Commercial communication towers shall not be permitted within 100 feet of any residential zoning district.

(iii) After review and approval of a site plan by the City Planning Commission, commercial communication towers may be permitted in any commercial, institutional or industrial district.

(iv) After approval by the Chief Building Inspector commercial communication antennas shall be permitted by right in any zoning district if placed on an existing commercial communications tower, public utility transmission tower or any other structure at least 60 feet high.

(v) Commercial communication antennas that are located within an existing structure shall be excluded from the heights requirements of paragraph (4) above.

(4) Special Requirements.

(i) Site Plan - A site plan for any proposed commercial communications tower shall be prepared by the applicant and submitted to the City Planning Commission for review in accordance with all applicable zoning and subdivision and development ordinance regulations.

(ii) Setback - A commercial communications tower shall be set back from all property lines the most restrictive of the following: a minimum distance equal to 1/2 (one-half) its height or a distance equal to the commercial communications tower fall zone.

(iii) Fence - The base of a commercial communications tower shall be surrounded by a secure fence with a minimum height of 8 feet.

(iv) Landscaping - Evergreen plantings shall be required to screen the fence surrounding the tower and any other ground level features such as a building or parking area. The evergreen screen shall be a minimum of 6 feet high at planting with an expectation to grow to a minimum of 15 feet high at maturity. At the discretion of the City Planning Commission, the landscaping requirement may be altered or waived in an Industrial District.

(v) Parking - A minimum of 2 off-street parking spaces shall be provided for a commercial communications tower.

(vi) Wind Resistance - For any commercial communications tower or antenna higher than 50 feet, the applicant shall provide, at the time of applying for a building permit, certification from a registered professional engineer as to the overall structural integrity of the tower and that the tower or antenna meets the wind resistance requirements stated in the latest version of the Uniform Construction Codes.

(vii) Federal Aviation Administration (FAA)

(a) The applicant shall provide documentation of FAA approval for commercial communication towers or antennas exceeding two (2) hundred feet in height. Commercial communication towers or antennas less than 200 feet in height shall meet the requirements of 14 Code of Federal Regulations Part 77.13(a), as amended (copy attached).

(b) No commercial communications tower or antenna shall be artificially lighted except when required and approved by the FAA.

(viii) Pennsylvania Department of Transportation (Aviation)

(a) The applicant shall provide documentation of PennDOT Bureau of Aviation approval for commercial communication towers or antennas in accordance with P.L. 837, No. 164 and Title 67 PA Code Chapter 479, Section 479.4.

(b) No commercial communications tower or antenna shall be artificially lighted except when required and approved by PennDOT Bureau of Aviation.

(ix) Airport Coordination - The applicant for a proposed commercial communications tower or antenna, located within a 5 mile radius of an existing or planned airport, will notify the airport manager in writing of its intent to place such structures. If, in the judgment of the airport manager, the proposed structure should be marked and/or lighted, the applicant will comply with the finding of the airport manager. Such findings will supersede findings issued by the FAA or PennDOT that do not require marking or lighting. Any marking or lighting required by the airport manager shall be consistent with FAA advisory circulars in effect at the time.

(x) Federal Communications Commission (FCC)

(a) The commercial communications company shall provide documentation that it is licensed by the FCC.

(b) Whenever applicable, the applicant shall provide documentation that the FCC has approved the proposed commercial communications tower or antenna.

(c) Whenever applicable, the applicant shall provide documentation that the proposed commercial communications tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

(xi) Documentation of Need - The commercial communications company shall demonstrate, using technological evidence, that in order to satisfy its functional requirements, the tower and/or antenna must go where it is proposed. Also, if a tower is proposed, that there are no existing structures within 1/4 mile of the site on which to place the antenna.

(xii) Removal of Commercial Communication Towers and Antennas - If a commercial communications tower and/or antenna remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within 6 months of notice to do so by the City. In addition, all portions of the base that are at or above the existing grade shall be demolished and removed from the site. Prior to the issuance of a building permit by the City, the applicant shall post security in a form acceptable to the City Solicitor favoring the City in an amount to cover the costs of tower and/or antenna removal and site clean-up. The security shall be utilized by the City in the event that the owner or operator of the facility fails to remove the tower and/or antenna within 6 months of notification by the City.

(n) Community Recreation Center. A 10 feet minimum width buffer yard, in accordance with the provisions of Section 1318.23, shall be provided along the side and rear lot lines adjacent to any lot in a residential district. This provision shall not apply to a community center that serves a single residential development.

(o) Conversion of any single family dwelling to additional numbers of dwelling units.

(1) One dwelling unit shall have a minimum of 700 square feet of habitable floor area and all additional dwelling units shall have minimum habitable floor areas according to the following standards:

Type of Unit	Square feet
One-bedroom	500
Two-bedroom	700
Three-bedroom	900

(2) Each dwelling unit, after conversion, shall contain within the unit complete kitchen, toilet and bathing facilities.

(3) This use shall not be permitted unless the property owner provides the entire building for inspection by City Codes Enforcement officials to inspect the entire building for compliance with City codes, prior to issuance of a zoning permit.

(4) The yard, building area, and other applicable requirements for the district shall not be reduced. The same minimum lot area per dwelling unit shall be met as if the building would be newly constructed with the proposed number of dwelling units.

(5) No exterior structural alteration of the building shall be made, except as may be necessary for purposes of sanitation, safety or historic rehabilitation.
(6) Such conversion shall be authorized only for a large pre-existing detached or semi-detached building. If the building is currently a one family dwelling, it shall not be converted to two or more dwelling units unless the building included more than 3,000 square feet of habitable floor area prior to the enactment of this Ordinance.
(7) Plans showing the proposed rearrangement of the interior of the building and provisions for off-street parking space, including the proposed entrance and exit to such parking spaces, shall be provided.
(8) All parking requirements shall be met for the total number of dwelling units.
(9) In accordance with Article 1347.10 of the City of Bethlehem Subdivision and Land Development Ordinance, as amended, every newly created residential unit shall pay a recreation fee in accordance with the City of Bethlehem fee schedule. (Amended 9-17-13 by Ordinance 2013-22)

(p) Crematorium. A crematorium as a principal use shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

(q) Day Care Center (Child).
(1) As accessory uses, a separate set of standards apply under "Day Care: Family Day Care Home or Group Day Care Home."
(2) The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license as applicable.
(3) A day care center shall have a minimum lot area of 6,000 square feet and a minimum setback of 10 feet from an abutting single family dwelling.
(4) The use shall include secure fencing around any outdoor play area.
(5) Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be set back a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
(6) A principal "Place of Worship" may also include a day care center as an adjunct use.
(7) In the C-B District, a safe and convenient off-street drop off and pick up area shall be provided on the same lot as the day care center or on an abutting property.

(r) Day Care, Child: Group or Family Day Care Home.
(1) These uses shall only be permitted as accessory uses to a dwelling unit.
(2) See the definitions concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
(3) The number of children shall apply in addition to children who are "related" to the primary caregiver. A Group Day Care Home involving 7 to 12 children at one time must be conducted within a single family detached dwelling located on a property with a minimum lot area of 6,000 square feet. A Family Day Care Home involving 4 to 6 children cared for at one time shall only be allowed within a single family dwelling.
(4) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling unit to accommodate the use, other that cosmetic and safety improvements or historic rehabilitation.

(5) The use shall be actively operated by a permanent resident of the dwelling.
(6) If 7 or more children are cared for, then a minimum of 200 square feet of fenced in exterior play area shall be available or be within 400 feet of an outdoor play area that is available for use by the day care facility.
(7) Child Day Care is also allowed within a Place of Worship.
(8) The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
(9) The use shall include a secure fence around any outdoor areas that are routinely used for outdoor play.
(10) Where permitted as a special exception, Group Day Care Homes shall be required to install a solid fence or buffer strip, if deemed necessary by the Zoning Hearing Board, to prevent the use from being detrimental to surrounding property.
(11) The applicant shall describe methods that will be used to contain and dispose of used diapers in a sanitary manner that will not create nuisances for neighbors.
(12) The use shall provide for a convenient and safe pick-up and drop-off area for children.

(s) Drive-through Facilities in conjunction with an allowed commercial use.
(1) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
(2) On-lot traffic circulation and parking areas shall be clearly marked.
(3) A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
(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. The design of the drive-through shall be subject to site plan review by the City Planning Commission.
(5) Any ordering area for a drive-through facility for a restaurant shall be setback a minimum of 100 feet from any existing principal dwelling, unless a stricter requirement is established by another provision of this Ordinance. The applicant for a drive-through facility shall control the volume of any loudspeaker and/or use setbacks or acoustic barriers so that the loudspeaker cannot be heard from a dwelling.
(6) Restaurants with drive-through service are prohibited in the CB and CL districts.
(7) To the maximum extent feasible, vehicle access for drive-through facilities shall enter or exit using an alley or a low-traffic street.

(t) Forestry.
(1) A soil and erosion conservation plan shall be prepared and submitted if the forestry involves removal of the majority of the trees on an area of greater than one acre.
(2) Unless a stricter provision applies under subsection (3), if forestry involves more than one acre, a maximum of 50 percent of the total tree canopy cover shall be removed from areas within any 3 year period, except for tree removal that is necessary as part of a City-approved development.

(3) Any forestry that is proposed within 100 feet from the center of a perennial creek or on slopes of greater than 25 percent shall be limited to removal of a maximum of 25 percent of the total tree canopy within any 3 year period. See steep slope regulations in Article 1308.

(u) Funeral Home.
(1) Signs shall be limited to one identification sign for each street frontage, provided that the area on either side of such sign shall not exceed 6 square feet in a residential district.
(2) A parking lot shall not be located between the principal building and the front of the lot.
(3) Any crematorium as an accessory use shall also meet the regulations for such use in this Section.

(v) Gas Station.
(1) Any "junk vehicle" shall not be stored more than 30 days within view of a public street or a dwelling, unless it is actively under repair.
(2) The use may include a "convenience store" if the requirements for such use are also met.
(3) A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street or alley right-of-way line. Such canopy may be attached to the principal building. An allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line.
(4) Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.
(5) The canopy over gasoline pumps shall have a maximum height from the ground to the top of the canopy of 20 feet, except for portions of the canopy that are sloped to direct light away from streets and dwellings.
(6) Lights attached to the bottom of the canopy shall be recessed, angled or screened so that the luminaire itself is not visible from beyond the lot lines.

(w) Greenhouse, Commercial.
(1) All products for sale shall be kept enclosed within a building except plants.
(2) Minimum lot size - 2 acres within a residential district.
(3) All front, side, and rear yard minimum setbacks shall be double those of the district for single family detached dwellings within a residential district.
(4) The sale of trees or shrubs for replanting or Christmas trees is not regulated by this Ordinance provided the trees or shrubs were primarily grown on the premises.
(5) This use shall not be allowed in a residential district, except in the RR district adjacent to an arterial street.

(x) Group Home (not including a Temporary Shelter or Treatment Center).
(1) The site shall be convenient to those support facilities that are essential to the functioning of the specific facility. These may include mass transportation, medical, educational, recreational, job training, social service, and/or other facilities being necessary for the particular use.
(2) Each site shall be:

(i) Approved for all applicable Federal, State, County and City licenses and permits.
(ii) Operated so that all medical counseling or other services shall be provided for the sole benefit of those persons residing in the facility.
(iii) Subject to providing a minimum one off-street parking space per employee for the maximum number of employees on any one shift, plus the parking required for the dwelling unit, plus additional parking as may be required by the Zoning Hearing Board if the application comes before such Board.

(3) A Group Home shall include the housing of a maximum of 5 unrelated persons, except:
(i) if a more restrictive requirement is established by the Property Maintenance Code or another City Code;
(ii) the number of bona fide paid professional staff shall not count towards such maximum; and
(iii) as may be approved by the Zoning Hearing Board under Section 1325.07(d).
See the definition of "Treatment Center."

(4) The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.

(5) The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

(6) Any staff meetings shall be limited to a maximum of 4 persons at one time.

(7) If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.

(8) The persons living on-site shall function as a common household unit.

(y) <u>Heliport.</u>

(1) The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.

(2) The Zoning Hearing Board may place conditions on the frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. This provision shall not apply to any heliport used for medical and emergency transport.

(z) <u>Home Occupation (includes but is not limited to Home Offices) and Live Work Units.</u>
The following provisions shall apply to a home occupation, provided that these provisions are modified by subsection (20) below for a Live Work Unit.

(1) Such use shall be in the main building and/or one accessory building on the lot and the total floor area of the use shall not exceed an area greater than 25 percent of the habitable floor area of the main building.

(2) One accessory building may be used in conjunction with the home occupation use.

(3) The residential character of the building and lot shall be preserved.

(4) No more than one person who does not reside within the dwelling may be employed on the premises, or use the property as a meeting place for the purpose of traveling to a work site.

(5) Signage on the property shall be regulated in accordance with Sections 1320.08(a)(9) and (12).

(6) If the use will include a non-resident employee, then an additional off-street parking space shall be provided, in addition to the parking for the dwelling. If the use will involve customers regularly visiting the property, then another additional off-street parking space shall be provided.
(7) The nature of the services rendered shall be of that type which are primarily and customarily provided to clients on an individual basis and by appointment only, or off-site. The home occupation shall not advertise regular business hours, and shall not encourage unscheduled customer visits.
(8) No retail sales shall be allowed on the property.
(9) Only minimum storage of supplies shall be allowed. No outside storage of supplies shall be allowed on the property. There shall be no parking of equipment or storage trailers, construction or landscaping equipment, cement mixers or other similar equipment on the property.
(10) The use shall not include a biological or other medical testing laboratory.
(11) The use shall not require delivery by tractor-trailer trucks.
(12) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
(13) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
(14) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
(15) A barber, beauty shop or manicurist shall not include any non-resident employee(s).
(16) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation. A funeral home shall not be allowed as a home occupation.
(17) The Zoning Hearing Board shall deny a Major Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board may review such things as the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
(18) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
(19) In addition to the requirements listed above, the following additional requirements shall apply to a "<u>Minor Home Occupation</u>:"
    (i) The use shall not routinely involve routine daily visits to the home occupation by customers.
    (ii) The use shall only involve the following activities:
        (a) work routinely conducted within an office,
        (b) custom sewing and fabric and basket crafts,
        (c) cooking and baking for off-site sales and use, (Note: Health Department review may be required).
        (d) creation of visual arts (such as painting or wood carving),
        (e) repairs to and assembly of computers and computer peripherals, and

(f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.

(20) Live Work Units. A Live Work Unit shall be allowed wherever a dwelling unit is allowed in the CB, CL and IR-R districts. A Live Work Unit shall meet all of the same regulations as a Home Occupation, except that the following standards are modified:

(i) The use shall meet the definition of a "Live Work Unit" in Article 1302.

(ii) A Live Work Unit shall be allowed to have an area equal to 50 percent of the habitable floor area of the dwelling unit used for the home occupation.

(iii) A Live Work Unit may have a 4 square foot wall sign, which shall not be illuminated and which shall have a maximum height of 6 feet if it is freestanding.

(iv) A Live Work Unit may involve occasional on-site retail sales of art that was primarily produced on the premises.

(v) A Live Work Unit may include occasional exhibitions of the art provided that requirements of the Construction Codes are met regarding the numbers of persons who may be accommodated in the Unit.

(vi) A ceramic kiln shall be electrically powered, as opposed to directly burning its own supply of fuel.

(vii) A maximum of 2 persons who do not reside within the dwelling may be employed on the premises.

(aa) <u>Hospital or Surgery Center or Related Testing and Treatment Facilities.</u>

(1) Minimum lot area - 2 acres.

(2) Buildings and parking structures shall be setback a minimum of 50 feet from any lot in a residential district that is occupied by a dwelling and is not owned by the hospital.

(bb) <u>Hotel or Motel.</u> Tractor-trailer truck parking shall kept be a minimum of 50 feet from any lot of a principal dwelling.

(cc) <u>Junkyard. (includes automobile salvage yard).</u>

(1) Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.

(2) Outdoor storage of junk shall be at least: a) 100 feet from the lot of any dwelling, b) 40 feet from any other lot line and the right-of-way of any public street, c) 100 feet from the centerline of any waterway, and d) 5 feet away from a drainage swale.

(3) The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

(4) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 1318.23, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8

feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

(5) Burning or incineration is prohibited.

(6) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.

(dd) Kennel.

(1) All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from lot lines of each existing dwelling. This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.

(2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.

(3) No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. that are within 250 feet of an existing dwelling.

(4) See also State Kennel regulations.

(ee) Licensed Gaming Facility. (These provisions shall also apply to surface parking areas that serve such use)

(1) The applicant shall seek input from the local public bus service provider regarding bus stops. Any transit shelter shall be placed such that it does not impede the normal pedestrian functions of the sidewalk.

(2) Sidewalks shall be provided adjacent to public streets and from any adjacent arterial street to a pedestrian entrance of the use. At least one ADA-accessible pedestrian path shall be provided from a main pedestrian entrance through the main on-site parking area. This pedestrian path shall be demarcated by pavement markings or differing colors or materials and be separated from adjacent parking spaces by curbing, curb stops or similar barriers.

(i) Pedestrian sidewalks shall be provided in front of and along all public pedestrian entrances to business buildings and all bus unloading locations. Pedestrian routes and customer and employee parking areas shall be sufficiently illuminated for safety and security. Pedestrian routes and sidewalks shall be a minimum of 5 feet in width. Crosswalks shall be well-marked and be ADA-accessible.

(3) A landscaping plan shall be designed by a registered landscape architect.

(4) A minimum of 5 percent of the land area of off-street surface parking areas shall be within interior islands landscaped with trees, shrubs and vegetative ground cover.

(5) The exterior design of the principal building as viewed from an adjacent arterial street shall be of distinctive design. Exterior finished building materials visible from an adjacent arterial street shall be of an enduring quality, such as glass, transparent materials, brick, architectural masonry, architectural metal and materials of similar quality.

(i) Prior to receiving final subdivision or land development approval, the applicant shall submit a set of preliminary proposed architectural sketches and conceptual sign designs (both wall and freestanding) to the City Planning Commission for

review and comment. Such drawings or sketches shall be prepared with the involvement of a Registered Architect.

(ii) Architectural elements shall be used to reduce the visibility of roof mounted mechanical equipment from adjacent public streets.

(6) A minimum of 10 percent of the total lot area shall be maintained in trees, shrubs, vegetative ground cover and/or a landscaped pedestrian plaza with decorative paving patterns, benches and/or preserved historic features. This 10 percent area may be calculated based upon an entire tract, as opposed to each lot within a development tract. Buffer yards may count towards this requirement.

(7) A row of trees, which may be staggered to allow room for future growth, shall be placed between any on-street parking area and any adjacent perennial river.

(8) A minimum 10 feet wide landscaped planting area shall be located abutting any public street. This planting area shall not be required where there is a change of grade of more than 5 vertical feet immediately adjacent to the sidewalk. This planting area may include a combination of land inside and outside of the right-of-way, and areas between the curb and the sidewalk may count towards this width. This planting area shall include shrubbery and other landscaping that is designed and located to avoid conflicts with safe sight distances at intersections.

(9) All waste storage areas and tractor-trailer loading docks that are not within a building shall not be located along a facade facing an adjacent arterial street.

(10) Utility service lines that serve the use shall be underground.

(11) The City encourages the use of Crime Prevention Through Environmental Design concepts to help reduce the potential for criminal activity on site. In this regard, any shrubbery within parking areas is encouraged to involve species with a mature height of less than 3 feet, or regular trimming, to avoid obstruction of views of motorists and pedestrians and to allow clear views for crime prevention. Fences, walls or landscaping should be provided to prevent and /or discourage public access to or from dark and/or unmonitored areas.

(12) With respect to any Lot which includes a Licensed Gaming Facility, the requirements set forth for Shopping Centers in Section 1322 shall not apply.

(13) No licensed gaming facility shall be located within 2 miles of the property line of an existing licensed gaming facility.

(ff) <u>Massage Parlors.</u> See Adult Oriented Facilities and Massage Parlors in this Section.

(gg) <u>Meal Center.</u>

(1) The use shall front on a collector, minor arterial or principal arterial street as indicated on the City's classified street map.

(2) No meal center shall be located within two thousand (2,000) feet of an emergency shelter, substance abuse treatment facility, community corrections facility, or meal center as measured from property lines.

(3) The meal center use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:

(a) The surrounding residential districts;

(b) The location, nature and height of buildings, structures, walls and fences on site;

(c) The nature and extent of landscaping and screening on the site;
(d) The number of visitor trips anticipated each day to the site for services and meals for clients; and
(e) The number of meals that will be served at the meal center.

(4) At least one off-street parking space is required for every six (6) seats at an authorized meal center. On-street parking adjacent to the lot containing the center may be included in the calculations.
(5) There shall be no exterior storage of equipment or materials, or outdoor operations.

(hh) Mineral Extraction.

(1) A detailed land reclamation and reuse plan of the area to be excavated shall be submitted with the zoning application for any new or expanded mineral extraction use.
(2) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
(3) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. Zoning Hearing Board may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence. New trees shall not be required where preserved trees will serve the same purpose.
(4) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
    (i) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
    (ii) 150 feet from a non-residential principal building, unless released by the owner thereof,
    (iii) 300 feet from the lot line of a dwelling,
(5) The excavated area of a mineral extraction use shall be setback 100 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
(6) The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. Also, warning signs shall be placed around the outer edge of the use.
(7) The Zoning Hearing Board may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

(ii) Mobile/Manufactured Home.

(1) Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development.
(2) See installation requirements in the Uniform Construction Codes.

(3) The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured/Mobile Home Park.
(4) If the home is on an individual lot, the front door of the dwelling shall face onto a street.

(jj) Mobile/Manufactured Home Park.
(1) The minimum tract area shall be 30,000 square feet, which shall be under single ownership.
(2) The maximum average density of the tract shall be 5 dwelling units per acre. To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
(3) Each mobile/manufactured home park shall include a 35 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be reviewed and approved by the City Forester's Office. The same area of land may count towards both the landscaped area and the building setback requirements.
(4) A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
(5) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
(6) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
(7) Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
(8) A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.

(kk) Multi-Family Dwellings (Also known as "Apartments").
(1) Location of Buildings. The distance between multifamily dwellings on the same lot shall be not less than 25 feet. All buildings shall be so located in relation one to another that the angle of horizontal from the sill of the lowest window in the habitable area in one building to the highest point of another building, excluding towers, chimneys and similar fixtures, does not exceed 45 degrees. Where possible, the layout of dwellings shall be such that the front of one structure does not face the rear of another.
(2) The proposed development shall be served by a public sanitary sewer system.
(3) The proposed use shall be designed as a single architectural project with approved landscaping as determined by the City Forester's Office and shall not materially detract from the character of the neighborhood.

(4) Except within the IR-R district, no building shall exceed 180 feet in length, measured at ground level or any floor level, whether on one frontage, or on the combined frontages of the main frontage and that of any wings of the same building.

(5) Parking.

(i) Except within the IR-R district, 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.

(ii) Except within the IR-R district, no one area for off-street parking of motor vehicles shall exceed 40 cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by a 6 foot wide planting strip.

(6) Except within the IR-R district, in multifamily dwellings of 2.5 stories or less in height, maximum building size shall be restricted to not more than 16 dwelling units in one continuous structure and no portion of the building below the first story or above the second story shall be used for dwelling purposes.

(7) Except within the IR-R district, in multifamily dwellings of over 2.5 stories in height, the following additional minimum requirements shall be met:

(i) 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.

(ii) Side and Rear Yards - In all districts, for each one foot in height of the building over 35 feet, side and rear yards shall be increased by not less than ½ foot.

(iii) The distance at the closest point in all districts between any 2 buildings of a group of elevator-type multiple dwellings, shall not be less than 35 feet and for each 2 feet such height is increased beyond a height of 35 feet the distance between such buildings shall be increased by not less than one foot.

(iv) Local shopping facilities to serve the residents of the building may be provided only on the ground floor and basement, provided the total floor area of the uses does not exceed 10 percent of the total area of the principal building.

(ll) <u>Outdoor Retail Sales and Display</u>

(1) Vending machines or kiosks, such as beverage dispensers, ice machines, or DVD rental units, are permitted as follows:

(i) CB, CL and IR-R – Vending machines or kiosks not permitted;

(ii) CG and CS – such machines may occupy 40% of each building face fronting a street;

(iii) CMU and IR – such machines may occupy 20% of each building face fronting a street.

(mm) <u>Parking Lot in Residential District.</u>

(1) Where this use is allowed under the District regulations, land may be utilized for off-street parking facilities as a principal use of the lot providing the requirements in Articles 1319 and 1321 and the following are met:

(i) The applicant must be the owner of both the property which is to be served by the parking lot and the property in the residential district to be used as the parking lot.

(ii) No repair, service, display, or storage of vehicles shall be permitted on said parking lot.
(iii) Parking lot shall be used exclusively for customer and employee parking.

(2) See also Vehicle Garages for Use by Residents in the Vicinity, in this Section.

(nn) Pawn Shop.

(1) The building area occupied by a Pawn Shop facility shall not be located within:
(i) 1,000 feet from the closest building area occupied by another Pawn Shop or
(ii) 5,000 feet from the lot line of a Licensed Gaming Facility.

(2) The Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the City Police upon request.

(oo) Personal Care Home, Nursing Homes and Assisted Living Facilities.

(1) No building shall be erected nearer than 30 feet from any side or rear lot line within a residential district.
(2) Buffer yards as required by Article 1318.23 shall be provided.
(3) The maximum permitted density shall not exceed 25 beds per acre.
(4) The facility shall have obtained any and all licenses and permits required by the Federal, State, or Local government which may be relevant to the facility.
(5) A minimum of 20 percent of the site shall be suitable and developed for outdoor passive recreation uses. The passive recreation areas may include, but shall not be limited to sitting areas and pedestrian walks.
(6) In a residential zone, Personal Care Homes or Assisted Living Facilities shall be permitted only on arterial or collector roads.
(7) The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design and building placement.
(8) In a residential zoning district, Personal Care Homes and Assisted Living Facilities are limited to a maximum of 30 beds.

(pp) Planned Office Commercial Development (POCD).

(1) The provisions for a POCD shall only be applicable if both of the following conditions are met:
(i) there shall be a minimum tract size of 8 acres in common ownership or common equitable ownership at the time of preliminary subdivision or land development submittal, and
(ii) a minimum of 35 percent of the total floor area of buildings on the tract shall be composed of office uses.

(2) The POCD shall make maximum use of interior driveways or private streets, in order to minimize the number of vehicle entrances onto a public street.
(3) The POCD shall allow for shared or coordinated parking among various uses.
(4) The POCD shall include a set of deed restrictions or similar legally binding provisions upon all buildings in the POCD. A draft of such restrictions shall be provided to the City Staff and Planning Commission for review at the time of preliminary subdivision or land development submittal. Such restrictions shall be

designed to ensure a high quality of exterior building materials, coordination of sign designs, and appropriate exterior lighting fixtures. A consistent and coordinated design shall also be required among buildings on the tract. Such restrictions shall be subject to approval by the City Planning Commission as a condition of subdivision and/or land development approval, and shall be in place prior to or at the time of recording of a final plan.

(5) A POCD shall meet all of the other requirements for the CMU District that are not specifically modified by this subsection.

(6) A POCD may include any use that is listed as permitted by right in subsection 1314.B.02(a) above in the CMU District, plus the following additional uses: retail sales, branch post office, restaurant provided that the restaurant building is set back a minimum of 250 feet from an existing dwelling, or personal service use, and provided that:

(i) the total building floor area occupied by any individual retail establishment shall not exceed 20,000 square feet,

(ii) drive-through services shall only be allowed for:

(a) a financial institution or pharmacy/drug store, or

(b) a restaurant specializing in and having a predominant product of hot non-alcoholic beverages and associated foods with a building floor area of less than 2,000 square feet.

(c) Any ordering area for a drive-through facility shall be located a minimum of 250 feet from any principal dwelling. The applicant for a drive- through shall control the volume of any loudspeaker and/or use setbacks or an acoustic barrier so that the loudspeaker cannot be heard from a dwelling. The hours of the drive-through shall be limited to between 6 AM and 10 PM. Any drive-through service shall be designed to have adequate stacking capacity in a manner that does not obstruct traffic onto or through the site. Any drive-through service lane shall have provisions for pedestrian crossings with proper sight distance. The design of the drive-through shall be subject to approval by the City Planning Commission.

(7) At least one sidewalk or City-approved pathway shall be provided to connect buildings within the tract and to connect to two points along the perimeter of the tract.

(8) If a building has a length or width greater than 200 feet it shall include architectural features, such as variations in facades, setbacks or rooflines, which make it appear to be two or more connected buildings.

(9) Prior to the development of any new building under the POCD provisions, the applicant shall submit an Overall Master Plan (OMP) for the tract. The OMP shall show the approximate locations, heights and uses of all buildings, as well as the approximate locations of proposed parking, streets, and landscaped areas, and the designs of exterior light poles. The OMP may include a range of allowed uses, as opposed to identifying each specific use. If the OMP submittal occurs before a submittal of a subdivision or land development plan, then a minimum of 30 days shall be provided for reviews of the OMP by the City. The OMP shall be made available for review by the City Planning Commission, the City Planning Bureau and the City Engineer.

(10) As each phase of development is approved, and prior to any lot receiving subdivision or land development approval, the applicant shall provide evidence that the

requirements of this CMU District will be met, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the landscaped area and buffer requirements. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided.

(11) Prior to receiving final subdivision or land development approval, the applicant shall submit a set of preliminary proposed architectural sketches to the City Planning Commission for review and comment. Such drawings or sketches shall be prepared with the involvement of a Registered Architect.

(12) More than one permitted use or building shall be allowed on a lot in a POCD, provided there is compliance with the requirements for each use or building. A building may include two or more allowed uses. Individual uses or buildings may be owned in a condominium arrangement, or handled through pad leases or other ownership or lease arrangements approved under the Subdivision and Land Development Ordinance. A condominium or single owner form of arrangement is allowed, which may include parking and driveways held in common ownership, provided that suitable legal mechanisms are in place to ensure long-term maintenance, which shall be subject to acceptance by the City.

(13) As part of the creation of any new lot, the applicant shall be required to establish legally binding restrictions to limit vehicle access to public streets in a manner consistent with the approved POCD plan.

(qq) Planned Unit Development. This use is no longer allowed. See Section 1318.24.

(rr) Residential Retirement Complex.

(1) All buildings and active recreation areas shall be set back from adjacent residentially-zoned properties a minimum of 50 feet.

(2) All methods to be used for outdoor lighting shall be shown on the development plan. Such lighting shall not intrude on the privacy of adjacent residentially-zoned properties.

(3) Buffer yards shall contain screening materials which, in the opinion of the Planning Commission, are of adequate type, height, and width to properly buffer adjacent residentially-zoned properties from any parking areas or structures within the development.

(4) Starting 5 years after the completion of construction, all health care and community building facilities shall be designed and maintained solely for the use of the complex residents.

(i) The health care facility shall be limited to a clinic which may also provide nursing care and supervision for extended periods of time. This facility shall not be considered a hospital.

(ii) Sales items shall be limited to foods, drugs, gifts, toiletries and periodicals within an area of no greater than 500 square feet.

(5) The provisions limiting the number of dwelling units in a multi-family building in this Section 1322.04 shall not be applicable to Residential Retirement Complexes.

(ss) Self-Storage Development.

(1) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.

(2) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
(3) Interior traffic aisles shall be kept clear of obstructions to emergency vehicles.
(4) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
(5) Any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 1318.23x. Any fencing shall be placed on the inside of the plantings.
(6) Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.

(tt) Shopping Center.
(1) The primarily vehicle route into and through the site should be directed away from the primary pedestrian routes into the main doors of the commercial uses.
(2) The development shall consist of a harmonious selection of uses, and groupings of buildings, service and parking area, circulation and open spaces, planned and designed as an integrated unit in such manner as to constitute a safe, efficient and convenient retail shopping center or related planned business development.
(3) The appropriate use of property adjacent to the shopping center or planned business development shall be safeguarded. Along each side or rear property line which directly abuts a Residential or Institutional District boundary line, a 20 foot buffer yard shall be required which shall include a suitable and uninterrupted coniferous planting screen not less than 4 feet in height nor 15 feet in width along each street line which directly abuts a Residential or an Institutional District boundary line. A strip of the required front yard area not less than 10 feet in width, measured from the street line, shall be suitably landscaped except for necessary sidewalks and accessways and may include a wall not more than 4 feet in height.
(4) No storage of materials, equipment or goods shall be permitted outside a building, and no merchandise shall be displayed on the exterior of a building, except in conformance with the following regulations.
    (i) Only merchandise intended for immediate sale shall be displayed on the sidewalk in front of any store. At least 8 feet of sidewalk shall remain unobstructed for pedestrian use between the merchandise or display and the curb.
    (ii) Any other area of a shopping center property proposed for storage or display purposes shall be subject to site plan approval by the City Planning Commission. All such areas shall be enclosed in a suitable fence or plant screen, located adjacent to the main building in such a manner as to prevent a view of the stored items from any adjacent property at ground level, and placed in such a manner as to control pedestrian and vehicular movement in the area.
(5) Adequate provisions shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center. Such provisions shall include raised curbs or medial walkways which shall prohibit vehicles from straying from their designated circulation routes. Also, these walkways shall be suitably planted to help reinforce the proper routing of traffic and add to the overall appearance of the shopping center.

(6) All access roads, parking area, service and other areas for vehicular use shall be paved with bituminous, concrete material or other hard surface material meeting specifications acceptable to the City Engineer.
(7) The proposed development shall be served by public sewer and water facilities.
(8) Each multiple family development permitted in conjunction with a principal business shall comply with the provisions of the RT district, unless specified otherwise.
(9) If the development of the shopping center is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and the intent of this Ordinance shall be fully complied with at the completion of any stage. The initial stage of development shall comprise a minimum total ground floor area of 7,500 square feet, or a minimum of six (6) permitted main uses.
(10) See Section 1318.23, Buffer Yards.

(uu) Reserved.

(vv) Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility.
(1) All solid waste storage, disposal, incineration or processing shall be at least 100 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than ½ acre in area.
(2) All solid waste storage, disposal, incineration or processing shall be a minimum of 300 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
(3) No burning or incineration shall occur, except within an approved Waste to Energy Facility.
(4) Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
(5) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
(6) Adequate means of emergency access shall be provided.
(7) For a solid-waste-to-energy facility or solid waste transfer facility: a) all loading and unloading of putrescent solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated, and b) all solid waste processing and storage shall occur within enclosed buildings or enclosed containers.

(ww) Stable or Other Keeping of Horses.
(1) Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
(2) Any horse barn, manure storage areas or stable shall be a minimum of 50 feet from any lot line of an adjacent dwelling.
(3) Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried by runoff into a waterway.

(xx) Swimming Pools.

(1) All pools placed in a residential zoning district shall meet the front yard setback regulations for a structure except in the RT district, where a minimum setback requirement from the front lot line along any street shall be 20 feet.
(2) All pools shall be located at least 6 feet from any side or rear property line.
(3) Any deck over 3 feet high and placed adjacent to a pool shall be setback a minimum of 6 feet from any lot line.
(4) See the fencing requirements in the Uniform Construction Codes.

(yy) Townhouses (Also known as "Single Family Attached Dwellings").

(1) Maximum number of townhouses in any attached grouping - 8.
(2) All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
(3) It is strongly recommended that all Townhouses be designed so that garages and/or carports are not a prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are strongly encouraged rather than individual garages opening onto the front of the building, especially for narrow townhouse units.
    (i) Vehicle parking spaces and any garages or carports shall be located to the rear of new townhouses to the maximum extent feasible, preferably accessed by a rear alley. Where a shared parking area is proposed, and a location to the rear of the townhouses is not feasible, then a location to the side of a set of townhouses shall be considered.
(4) Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are discouraged.
(5) Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
(6) The proposed site layout of townhouses shall be submitted for site plan review by the City Planning Commission, prior to subdivision or land development reviews.

(zz) Treatment Center or Temporary Shelter.

(1) A Treatment Center shall not be located within 800 feet of an existing Treatment Center or Temporary Shelter.
(2) Each Temporary Shelter or Treatment Center shall meet the following requirements:
    (i) Proof of adequate supervision by people qualified by training and experience in the field for which the facility is intended shall be provided.
    (ii) The facility must comply with all applicable Fire, Housing, Building, Property Maintenance, and Health Codes, and all regulations pertaining to transient occupancy with respect to emergency lighting, smoke detectors, exit lights, and other safety devices.
    (iii) Any food preparation, service, or distribution shall be licensed by the City and inspected by the Bureau of Health.
    (iv) All services provided on site shall be contained within the structure and operated by a non-profit, charitable, or for-profit organization.

(v) The applicant for these facilities shall submit with its application a plan outlining in detail the management of the facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations, and any other information pertinent to the operation of the facility.

(3) This subsection (3) shall apply to a Treatment Center. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.

(i) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

(ii) The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

(iii) This lot shall be located a minimum of 500 feet from a lot line of a lot occupied by each of the following: a school, public park or playground, day care center, college or university.

(4) To address requirements of Federal law, see possible modification provisions in Section 1325.07(d).

(aaa) <u>Unit for Care of Relative.</u>

(1) See the definition.

(2) The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.

(3) The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area or otherwise function as part of the principal dwelling unit.

(4) The applicant shall establish a legally binding mechanism in a form acceptable to the City that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.

(5) The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner providing a written and statement that such relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.

(6) Such accessory unit shall not decrease the residential appearance of a one family dwelling, as viewed from exterior property lines.

(7) Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

(8) If the unit is attached to the principal dwelling, there must be an internal doorway that connects the main dwelling unit to the unit for the relative.
(9) There shall only be one entry door facing onto a public street.

(bbb) Vehicle Garages for Use by Residents in the Vicinity.
(1) Such garage shall be the main building on a lot, unless located as a part of a multiple family dwelling planned as a complete unit.
(2) Such garage shall preferably be arranged as a unit in which no doors would face directly upon a public street. Plantings may be required to permit the building to become an attractive element of the neighborhood.
(3) Such garages shall not be used for commercial storage or vehicle repair.

(ccc) Wind Turbines. The following provisions apply to wind turbines other than as allowed as an accessory use by Section 1305.01 and the following subsection (ddd).
(1) The wind turbine shall be set back from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
(2) The audible sound from the wind turbine(s) shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
(3) The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
(4) Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
(5) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
(6) All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of the abutting lot(s).
(7) If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
(8) The turbine shall include automatic devices to address high speed winds.
(9) Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
(10) The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
(11) Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
(12) For a wind turbine, a professional engineer shall certify that the turbine, foundation and tower design of the windmill is within accepted professional standards, given local soil conditions.

(13) Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
(14) Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the wind turbine to service. All wind turbines and above ground facilities shall be removed within 90 days after the use is discontinued.
(15) The maximum height of any wind turbine shall be 250 feet.

(ddd) Wind Turbines, One Per Lot. As accessory use, primarily for on-site electrical use where allowed by Section 1305.01.
(1) All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
(2) The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
(3) The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
(4) A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
(5) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
(6) If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
(7) The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
(8) The maximum total height above the ground level to the tip of the extended blade shall be 80 feet.
(9) New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
(10) Contiguous property owners may construct a wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of non-participating landowners. A maximum of one wind turbine that would be shared by certain dwelling units within a development may also be placed in the common open space, if specifically approved to be included, at the time of final subdivision approval.

ARTICLE 1323
PROCEDURES AND CONTROLS GOVERNING NON-CONFORMITIES

1323.01 Purposes. The regulations governing existing non-conforming uses are set forth in this Article and are intended to provide a gradual remedy for the incompatibilities resulting from such non-conforming uses. While such lawful uses are generally permitted to continue, these regulations are designed to avoid changes that could increase nuisances and hazards. These regulations are thus designed to preserve the character of the districts established in this Zoning Code in light of their peculiar suitability to particular uses, and thus to promote and protect health, safety, and general welfare.

1323.02 Definitions. See Section 1302.

1323.03 Continuation. The lawful use of any building, any structure or the lawful use of any land existing at the effective date of this Ordinance may be continued although such structure or use does not conform with the provisions of this Ordinance, except as otherwise provided in this Article.

1323.04 Additions and Enlargements. A lawful nonconforming use or structure shall only be expanded if the following requirements are met:

(a) The total building floor area or total land area occupied by the nonconforming use or structure, whichever is more restrictive, shall not be increased by greater than 50 percent beyond the area that existed at the time the use or structure first became nonconforming.
   (1) The 50 percent maximum shall be measured in aggregate over the entire life of the nonconformity. Therefore, for example, if a use became nonconforming in 1971, and was expanded by 20 percent in 1980, then one 30 percent expansion would be permitted today.
   (2) These provisions apply regardless of whether the use or structure is expanding within an existing building or an addition.

(b) Special exception approval shall be required, except that a one-time expansion of up to 5 percent of the nonconforming first floor building footprint in existence as of the adoption date of this ordinance shall be permitted by right.

(c) Any expansion of a nonconforming use or structure shall meet all required setbacks and all other requirements of this Ordinance. No new nonconformity shall be created.

(d) If an existing single family detached dwelling, twin dwelling, rowhouse or townhouse in the RG or RT zoning districts has a lawfully nonconforming side yard building setback, additions may occur as a "permitted by right" use to increase the height above such setback or to extend other portions of the dwelling up to such nonconforming side yard setback line, provided:
   (1) the building shall not be extended beyond the existing side yard setback line,
   (2) no additional nonconformity shall be created, except as is allowed by this subsection,
   (3) all other requirements of this Ordinance shall be met,
   (4) no additional intrusions occur into the minimum rear yard,
   (5) an absolute minimum side yard setback of 4 feet is maintained for any addition in the RG zoning district and 3 feet for any addition in the RT zoning district.
   (6) the total building coverage shall not be increased by more than 25 percent.

(e) See also Section 1306.07 for dimensional standards.

1323.05 Restoration.

(a) A nonconforming structure which is destroyed or damaged by fire or other casualty or by act of God shall only be rebuilt or restored or used in a nonconforming manner if the majority of the exterior walls are still structurally sound. However, a nonconforming residential building may be reconstructed regardless of the amount of destruction or the cause, provided that the building is rebuilt and used as a one family dwelling, and no new nonconformities are created.

(b) Where a nonconforming structure is permitted to be rebuilt or restored in a nonconforming manner, such permission shall only be granted if:

(1) the structure is properly secured after the damage or destruction,

(2) work begins within 12 months after the date of damage or destruction, unless the Zoning Hearing Board by special exception grants a time extension for good cause,

(3) work is diligently pursued to completion, and

(4) no new nonconformity is created and no existing nonconformity is increased.

(c) An existing detached building that is accessory to a dwelling may be replaced with a new building, provided the new building is no more nonconforming than the previous building.

1323.06 Abandonment. Termination and abandonment of nonconforming uses, buildings, or structures shall be subject to the following:

(a) Any nonconforming use, building or structure that is replaced by a conforming use, building or structure shall be deemed immediately abandoned and cannot thereafter be changed back to a nonconforming use or structure.

(b) A nonconforming use, building or structure discontinued for a period of 12 consecutive months shall be presumed abandoned and shall not thereafter be revived without proof satisfactory to the Zoning Officer, that the owner did not intend its abandonment through disuse.

(c) Failure to market a vacant property for sale or lease for a period of 12 months will result in abandonment and evidence of intent to discontinue and abandon a non-conforming use, building or structure.

1323.07 Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under the following conditions:

(a) Such change shall be permitted only by special exception, under the provisions of Article 1325.07, before the Zoning Hearing Board.

(b) The applicant shall show that a non-conforming use cannot reasonably be changed to a permitted use.

(c) The applicant shall show that the proposed change will be less objectionable in external effects than the existing non-conforming use with respect to:

(1) Traffic generation and congestion including truck, passenger car and pedestrian traffic.

(2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, and vibration.

(3) Storage and waste disposal.

(4) Appearance.

1323.08 Displacement. No non-conforming use shall be extended to displace a conforming use.

1323.09 Applicability to Approved Non-Conforming Plans. Nothing contained in this Ordinance shall require any change in plans, construction or designated use of a structure for which a building permit was issued more than thirty (30) days prior to the adoption of this Ordinance or change in zoning district and the construction of which is begun within three (3) months after such adoption of change and diligently carried on. The approved plans shall not be altered in any way to increase the non-conformity.

1323.10 Prior Violations Continued. A building altered or erected or a use created in violation of any previously in effect zoning provision, shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by this Article upon other non-conforming buildings and uses.

1323.11 District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this Section 1323 shall also apply to any nonconforming uses or structures existing therein.

1323.12 Nonconforming Lots.

(a) Nonconforming lots are subject to the applicable provisions of Article 1318.

(b) If a nonconforming lot is contiguous to another lot with a common owner, and at least one of the lots does not include a principal building, then the two lots shall be considered to be merged, and shall not be separately sold and shall not be separately developed.

(c) A lot which is created in accordance with a Final Subdivision Plan approved by the City Planning Commission with respect to which an applicant has commenced and substantially completed public improvements in accordance with the approved Subdivision Plan (e.g. water and sewer mains, water and sewer laterals serving individual lots, curb with curb cuts for individual lots and/or streets) within five (5) years from the date of such approval or within any additional extension period created by the Legislature shall for all purposes of this Ordinance be considered a conforming lot and not a non-conforming lot.

1323.13 Nonconforming Signs.

(a) See Section 1320.07(d).

ARTICLE 1324
ADMINISTRATION, PERMITS AND PENALTIES

1324.01 Enforcement. The provisions of this Ordinance shall be administered and enforced by the Zoning Officer. One or more City Staff persons may be appointed by the Director of the Department of Community and Economic Development to serve as Assistant Zoning Officers, who shall serve under the direction of or in the absence of the Zoning Officer. It shall be the duty of the Zoning Officer and he / she shall have power to:

(a) Review all applications for zoning permits, and issue permits when there is compliance with the provisions of this Ordinance. The Zoning Officer may condition the issuance of a Zoning Permit upon the applicant proving compliance with other applicable City regulations.

(b) Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.

(c) Following disapproval of a zoning permit or another determination, to receive applications for appeals from the decision of the Zoning Officer and forward these applications to the Zoning Hearing Board for action thereon.

(d) Conduct inspections and investigations to determine compliance or noncompliance with the terms of this Ordinance.

(e) Order in writing correction of all conditions found to be in violation of the provisions of this Ordinance. An enforcement notice shall meet requirements of the Pennsylvania Municipalities Planning Code. Prior to issuing an Enforcement Notice, the Zoning Officer may informally seek compliance.

(f) Record and file all applications for permits and approvals with accompanying plans and documents, and all approvals and permits issued. All applications, plans, and documents shall be a public record.

(g) Maintain a map or maps showing the current zoning classification of all land in the City.

(h) Upon the request of City Council, the Planning Commission or the Zoning Hearing Board, present facts, records or reports which they may request to assist such body in making decisions.

(i) Review and approve or deny temporary permits which shall be issued for a period not to exceed one (1) year and which may be renewed annually for the following two years.

(1) For non-conforming uses incidental to housing and construction projects and including such structures and uses as storage of building supplies and machinery, and a real estate office located on the tract being offered for sale, provided such permits are issued only upon agreement by the owner to remove the structure upon expiration of permit.

(2) For structures or uses which are deemed by the Zoning Officer to be beneficial to the public health and necessary to the public welfare.

1324.02 Zoning Permits. At the option of the City, a "Zoning Permit" may be a separate permit or may be considered to be the zoning portion of a City Construction Permit. All requests for zoning permits shall be made in writing by the owner or his authorized agent to the office of the Zoning Officer on application forms furnished by the City. Zoning permits shall be secured prior to starting any construction, erection or alteration of any building, structure or portion thereof. Issuance of a zoning permit shall be subject to review and approval by all City Departments noted on the permit. The City Staff shall require that the application of a zoning permit and any additional material requested by the various City Departments shall contain all the information necessary to enable them to ascertain whether the

proposed structure complies with the provisions of this Ordinance. No zoning permit for construction, erection or alteration of any structure, use or portion thereof, shall be valid for more than 12 months unless work at the site has commenced within such period or a written time extension has been provided by the City. The applicant shall submit a Site Plan drawn to scale showing existing and proposed features and lot lines for any new or expanded building, or other improvements when required by the Zoning Officer. An example of a typical Site Plan is included on the following page.

1324.03 Fees. Fees for zoning and building permits shall be paid in accordance with the applicable Fee Schedule enacted by City Council, which was adopted by Resolution and which may be revised from time to time.

(a) If an appeal has been advertised and/or notice has been sent to abutters, then an additional fee shall be paid for any continuance requested by the applicant. The continuance fee shall be adopted by Resolution and revised from time to time.

1324.04 Violations and Penalties. For any and every violation of the provisions of this Ordinance: The owner, general agent, architect, contractor of a building or premises where such a violation has been committed or shall exist, or any other person who commits, takes part or assists in any such violation or who maintains any buildings or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding five hundred dollars ($500.00) per day per violation, which shall be paid over to the City Treasurer.

(a) Such fines and penalties may be collected by suit or summary proceedings brought in the name of the City before any Magistrate.

(b) Whenever any such person specified above shall have been notified by the Zoning Officer in writing that he is violating this Ordinance, such person shall commence correction of all violations within five days after notice and correct all violations within 30 days of notice. If corrections are not commenced within five days or completed within 30 days, each day that a violation continues shall be considered a separate offense punishable by the like fine. This Ordinance does not authorize imprisonment.

1324.05 Cancellation of Permit. The Zoning Officer may cancel or revoke a permit previously granted for violation of this Ordinance or of any order of the Zoning Officer or condition established by the Zoning Hearing Board.

1324.06 One-Year Limitation on Approvals.

(a) The holder of any approval or variance granted by the Zoning Hearing Board under the provisions of this Zoning Ordinance adopted June 15, 2012, shall be required to commence and proceed with substantial construction of the improvement authorized within a period of one year from the date of such decision.

(b) If the holder of any approval or variance granted by the Zoning Hearing Board fails to commence and proceed with substantial construction pursuant to such approval or variance within one year of the date of such decision, said approval or variance shall lapse and no construction shall thereafter be commenced in reliance on such approvals or variances.

1324.07 Notice to Adjoining Municipalities. Where a property is located within 500 feet of a municipal boundary, the City Staff should refer any Zoning Hearing Board application to the neighboring municipality for its comments, unless such application only involves a dimensional variance for an existing residential lot.

ARTICLE 1325
ZONING HEARING BOARD

1325.01 Establishment of Board. The existing Zoning Hearing Board shall continue to serve.

1325.02 Membership, Terms of Office, Compensation. 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 office in 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. 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.

1325.03 Procedures.

(a) Officers. The Board shall elect a chairperson from its membership and shall prescribe rules in accordance with State law and this Ordinance for the conduct of its officers.

(b) Public Hearings. At least one public hearing shall be held on each complete application that was duly submitted to the Zoning Hearing Board, in conformance with the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board may establish and revise rules of procedure or bylaws to guide its operations. Hearings shall be scheduled by the chairperson of the Zoning Hearing Board or be established in the Board's rules of procedure. The Chairperson or Acting Chairperson shall have the power to administer oaths and to compel the attendance of essential witnesses.

(c) Records and Decisions. The Board shall keep a record of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final decision of each case. These proceedings shall become public records.

1325.04 Notice of Hearings.

(a) Upon filing with the Board for an application for a special exception, variance or other appeal under this Ordinance, the Board shall determine a place and a reasonable time, and the City shall give notice as follows:

(1) The City shall publish a public notice describing the location of the building or lot and the general nature of the matter involved in a newspaper of general circulation in the City in conformance with the Municipalities Planning Code.

(2) The City shall give written notice to the applicant and persons who have made a timely request for notice of such hearing. In addition, notice shall be provided to those persons whose properties adjoin the property in question, and to the City Planning Commission. Such notice should be sent at least 7 days prior to the hearing.

(3) The City shall provide written notice to the last known address of the primary owner of lots within 300 feet of the subject lot, unless the application only involves a dimensional variance on an owner occupied single family dwelling unit or its accessory structure. Failure of a person(s) to receive such notice shall not be grounds for an appeal, provided that a good faith effort was made to provide such notice.

1325.05 Powers and Duties - Interpretation. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary line if uncertainty exists with respect thereto; where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Ordinance.

1325.06 Powers and Duties - Variances.

(a) Upon a written appeal from a determination by the Zoning Officer, the Zoning Hearing Board shall have the power to approve a Variance to one or more specific provisions of this Ordinance for a specific property.

(b) The power to authorize a variance from the terms of this Ordinance shall only be used where authorized under the Pennsylvania Municipalities Planning Code or in diminimus situations. As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:

(1) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;

(2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;

(3) Such unnecessary hardship has not been created by the appellant;

(4) The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

(5) The Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(c) The applicant shall establish and substantiate his appeal to prove that the appeal for the variance is in conformance with the requirements of the Pennsylvania Municipalities Planning Code.

(d) In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

1325.07 Powers and Duties - Special Exceptions.

(a) The Zoning Hearing Board shall have the power to approve special exceptions for any uses for which this Ordinance requires the obtaining of such exceptions and for no other use or purpose.

(b) General Requirements and Standards Applicable to all Special Exceptions. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements, as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:

(1) In accordance with the City of Bethlehem Comprehensive Plan and consistent with the spirit, purposes, and intent of this Ordinance.

(2) In the best interest of Bethlehem, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.
(3) Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
(4) In conformance with all applicable requirements of this Ordinance.
(5) The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
(6) Suitable in terms of effects on street, traffic and safety with adequate sidewalks and vehicular access arrangements to protect streets from undue congestion and hazard.
(7) The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
(8) The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

(c) The Zoning Hearing Board may impose such conditions, in addition to those required in the Ordinance, as are necessary to insure that the general purpose and intent of this Ordinance is complied with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded, which conditions may relate to, but are not limited to, harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, hours of operation, lighting, allied activities, ventilation, noise, sanitation, safety, smoke and fume control, and the minimizing of noxious, offensive or hazardous elements.

(d) Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities," as defined in and protected by such laws.
(1) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
(2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
(3) Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

1325.08 Special Conditions and Safeguards for Special Exception Uses. In addition to the requirements and standards specified in Section 1325.07, special exception uses shall meet the additional requirements provided in Section 1322 and other provisions of this Ordinance.

1325.09 Actions of the Board on Exercising Powers. No decision of the Board permitting the use of a building or land shall be valid for more than two years unless such use is established within this period. Where such use is dependent upon the erection or alteration of a building, the Board's decision shall continue in force and effect if a construction permit for such work is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of the decision. (Amended 9-17-13 by Ordinance 2013-22)

1325.10 Who May Appeal. Appeals to the Zoning Hearing Board may be taken by any person with legal standing concerning any provision of this Ordinance or by any decision issued by the Zoning Officer or by City Council. An appeal may also be made by City Council.

1325.11 Rules and Procedures for Filing Interpretation and Variance Appeals and Special Exception Applications.

(a) General rules and procedures for appeals and applications:
   (1) All appeals and applications made to the Zoning Hearing Board shall be in writing on standard forms prescribed by the Zoning Officer.
   (2) Any appeal shall be made by filing the same with the Zoning Officer within 30 days after the date of the Zoning Officer's determination.
   (3) All appeals and applications shall refer to the specific provisions of this Ordinance involved.
   (4) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certified to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or by a Court of Record on application, on notice to the Zoning Officer and on due cause shown.
   (5) Once an appeal is filed, the Zoning Officer shall set a date for a hearing and shall issue a decision within time limits provided by the Municipalities Planning Code.

(b) Interpretation Appeals. Appeals concerning the interpretation of any provisions of this Ordinance shall exactly set forth the interpretation that is claimed and the applicable zoning ordinance section numbers.

(c) Variance Appeals.
   (1) Appeals for variance from the strict application of this Ordinance shall include the denial by the Zoning Officer, together with a statement with any supporting evidence regarding the requirements listed in Section 1325.06.

(d) Special Exception Applications.
   (1) Applications for special exceptions shall include a Zoning Permit Application with all information required therein and a statement with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of this Ordinance.

1325.12 Court Appeals. Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer or any officer, Department, Board or Bureau of the City may present to the Court of Common Pleas of Lehigh County or Northampton County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within 30 days after the receipt of the written decision of the Board.

ARTICLE 1326
AMENDMENTS

1326.01 Power of Amendment. City Council may, from time to time, amend or repeal this Ordinance, including the Zoning Map. When doing so, the Council shall proceed in the manner prescribed in the Municipalities Planning Code.

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

(a) Proposals originated by City Council. The City Council shall refer every proposed amendment or repeal originated by Council 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.

(b) Proposals originated by the Planning Commission. The Planning Commission may, at any time, transmit to City Council, any proposals for the amendment or repeal of this Ordinance or any part thereof.

(c) Proposals originated by a citizen's petition. Each petition of a proposal for amendment to the zoning ordinance by citizens or a landowner must be submitted in writing to the City Council together with a fee as provided in the City Fee Schedule, plus payment in full by the applicant of all costs incurred by the City in publishing of legally required advertising. On receipt of said petition and payment, Council shall transmit a copy of the petition to the Planning Commission at least 30 days prior to the hearing on such proposed amendment. Within 30 days after its submission to the Planning Commission, the Commission should submit to City Council a report containing the Commission's recommendation, including any additions or modifications of the original proposal. Failure of the Planning commission to submit such report within 30 days shall not by itself delay a hearing. All proposal originated by a citizen's petition for rezoning/zoning map revisions must be acknowledged by a Notary Public and signed by the owners of 50% or more of the land proposed to be rezoned. (Amended 9-17-13 by Ordinance 2013-22)

(d) An applicant and/or interested party who requests a continuance of a public hearing scheduled to consider a zoning amendment shall be responsible for the full cost of re-advertising the date of the subsequent public hearing. In order for the subsequent public hearing date to be established, the cost of the re-advertisement must be deposited with the City Clerk's office.

1326.03 Notice of Hearings and Enactment. No such amendment or repeal shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Notice shall be given as follows:

(a) Publish a notice of the time, place, and the general nature of such public hearing in a manner consistent with the Municipalities Planning Code.

(b) When such hearing concerns a Zoning Map change, should give at least 30 days notice to abutting property owners, who shall be those persons whose properties adjoin or are across the street from the property in question, and to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned.

(c) A copy of the proposed amendment shall be forwarded to the Lehigh Valley Planning

Commission at least 30 days prior to the public hearing by City Council.

(d) If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the City at points deemed sufficient by the City, along the perimeter of the tract to be rezoned at least one week prior to the date of the public hearing.

(e) Notice of the intended date of the vote on a proposed amendment to the Zoning Ordinance shall be provided consistent with the Municipalities Planning Code.

1326.04 Amendment Change. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the City Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

1326.05 Amendment Listing. Amendments to this Ordinance should be listed in Appendices, but shall not be considered an official part of the Zoning Ordinance.

1326.06 Notice to LVPC. Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Lehigh Valley Planning Commission.

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