

DRAFT FOR PUBLIC HEARING – NOVEMBER 20, 2018

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA,
AMENDING THE ZONING CODE, AS AMENDED, ARTICLE 1304,
SECTION 1304.04-REUSE OF CORNER COMMERCIAL USES ALLOWED
IN THE RT AND RG DISTRICTS

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY AMENDS THE ZONING ORDINANCE
AND ORDAINS AS FOLLOWS:

Section 1. That Section 1304.04 that reads:

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, 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.

Shall be amended to read as follows:

- 1304.04. Reuse of Certain Corner ~~Commercial Use Lots~~ 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.
- (b) As a special exception, the conversion of a single family dwelling to an office use 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 and shall contain some form of a nonconforming retail or commercial use in combination with a single family dwelling.
 - (2) This subsection 2 may allow an office use to be established in the single family dwelling even while the nonconforming commercial or

retail use on the same lot continues. The office use shall be limited to within the existing single family dwelling, 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 office use, such as but not limited to: limits on hours of operation, limits on the maximum floor area occupied by the use, requirements that the operator of the use regularly collect litter on the sidewalk and gutters at edge of street adjacent to the lot, and 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 clients 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 a window or wall sign. 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) The office uses to be permitted under this section shall be limited to those of medicine, law, architecture, engineering, art, religion, music, insurance, real estate, psychology, accounting, and financial services.

Section 2. All ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by _____

PASSED finally in Council on the _____ day of _____, 20____.

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 20____.

Mayor