



SITE ADDRESS: N/A

Office Use Only:

DATE SUBMITTED: 1/16/2019

HEARING DATE: 2 / 2019

PLACARD: N/A

FEE: \$5,000

ZONING CLASSIFICATION: RT/RO

LOT SIZE: N/A

**APPLICATION FOR APPEAL TO THE CITY OF BETHLEHEM ZONING HEARING BOARD,**  
**10 E. CHURCH STREET, BETHLEHEM, PA 18018**

1. Return one (1) original and seven (7) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. The application is due by 4PM the 4<sup>th</sup> Wednesday of the month. The hearing will be held the 4<sup>th</sup> Wednesday of the next month.
3. If you are submitting MORE THAN 10 exhibits at the hearing, you MUST place them in an indexed binder and submit at one time.

Appeal/Application to the City of Bethlehem Zoning Hearing Board is hereby made by the undersigned for: (check applicable item(s):

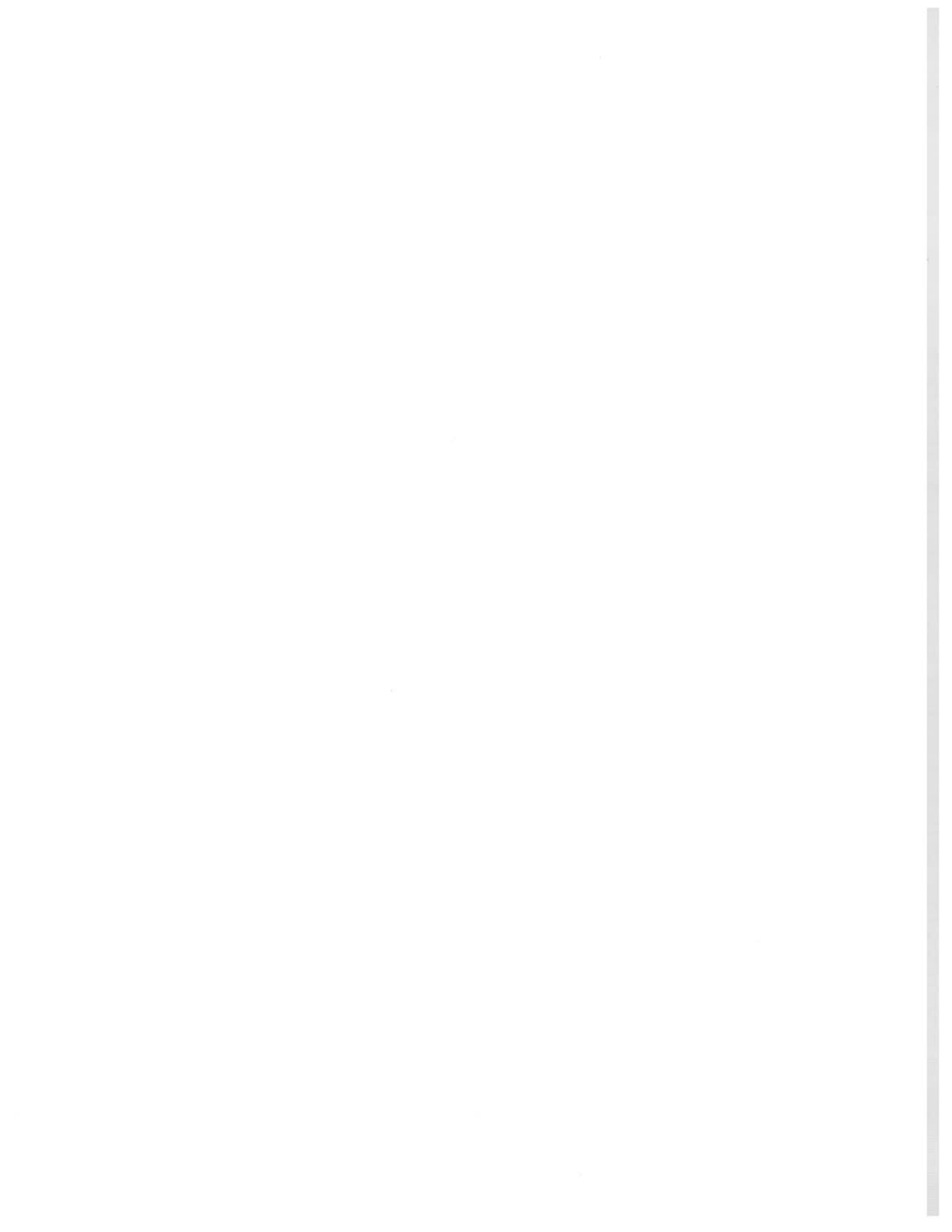
- Appeal of the determination of the Zoning Officer
- Appeal from an Enforcement Notice dated \_\_\_\_\_
- Variance from the City of Bethlehem Zoning Ordinance
- Special Exception permitted under the City Zoning Ordinance

Other: *Adoption and Enactment of Bill No. 46-2018 - Zoning Amendment - Sec. 1304.04*  
*Validity Challenge - Appeal from the City of Bethlehem's*

SECTION 1

APPLICANT: <i>(6 Applicants - See Notice of Appeal)</i>
Name <i>Beall Fowler</i>
Address <i>409 Center Street</i>
<i>Bethlehem, PA 18018</i>
Phone: <i>[Redacted]</i>
Email: <i>[Redacted]</i>

*See Notice of Appeal paragraphs 1-4 for names and addresses of 5 additional Applicants...*



*Pebbleton Co Zoning Amendment*

<b>OWNER</b> (if different from Applicant): Note. If Applicant is NOT the owner, attach written authorization from the owner of the property when this application is filed.	
Name <i>Morning Star Partners LLC</i>	Business address:
Address <i>2 West Market St</i>	<i>100 Broadhead Rd. Ste 130</i>
<i>Bethlehem PA 18018</i>	<i>Bethlehem PA 18017</i>
Phone:	[REDACTED]
Email:	[REDACTED]
<b>ATTORNEY</b> (if applicable):	
Name <i>Timothy T. Stevens, Esq.</i>	
Address <i>Davison &amp; McBerthy P.C.</i>	
<i>645 Hamilton Street</i>	
Phone: <i>Allentown PA 18105</i>	
Email:	[REDACTED]

**SECTION 2. INFORMATION REGARDING THE REAL ESTATE**

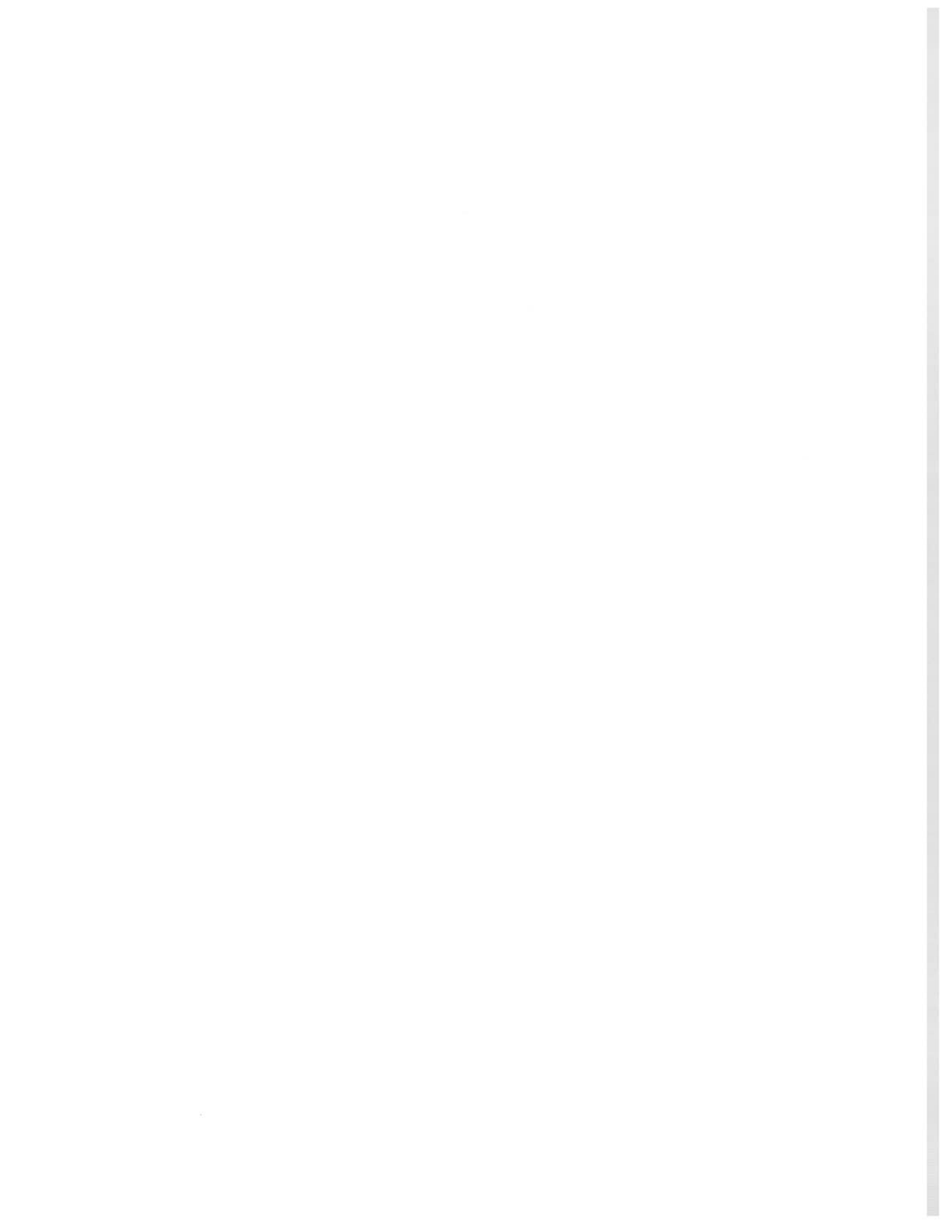
1. Attach a site plan, drawn to scale, of the real estate. Include existing and proposed natural and man-made features.
2. Attach photographs.
3. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
4. If the real estate is presently leased, attached a copy of the present lease.
5. If this real estate has been the object of a prior zoning hearing, attach a copy of the Decision.

**SECTION 3.**

**THE RELIEF SOUGHT:**

If the Applicant seeks a dimensional variance for any setback, lot coverage, distance between certain uses, etc., please state the following:

<b>MPC</b>	Section of Code	Dimension Required by Code	Dimension Proposed by Applicant	Variance Sought
	<i>53 Pa. C.S.A. §10909.1(a)(i)</i>	<i>Appeal of Zoning Ordinance Amendment</i>	<i>N/A</i>	
	<i>Zoning Ordinance</i>	<i>- 1325.10 et. seq</i>	<i>N/A</i>	
		<i>- 1325.11(b)</i>		



If the Applicant seeks a use or other variance, please state the **specific section(s)** of the Zoning Ordinance applicable and describe the variance sought.

*N/A*

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable:

*N/A*

If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with Sec. 1325.11 (b):

*City Council*

*Validity Challenge - See Notice of appeal incorporated herein*

*1/2 MPC § 10909.1(a)(1) et seq.*

**NARRATIVE**

A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

*See Appeal of Bill No. 46-2018 - Zoning Text Amendment*

**CERTIFICATION**

*Section 1304.04 filed on 1/16/19 1/2 incorporated herein.*

I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief.

I also certify that I understand that any and all federal, state or local rules and regulations, licenses and approvals shall be obtained if the appeal is granted.

*[Signature]*  
Applicant's Signature

*1/16/2019*  
Date

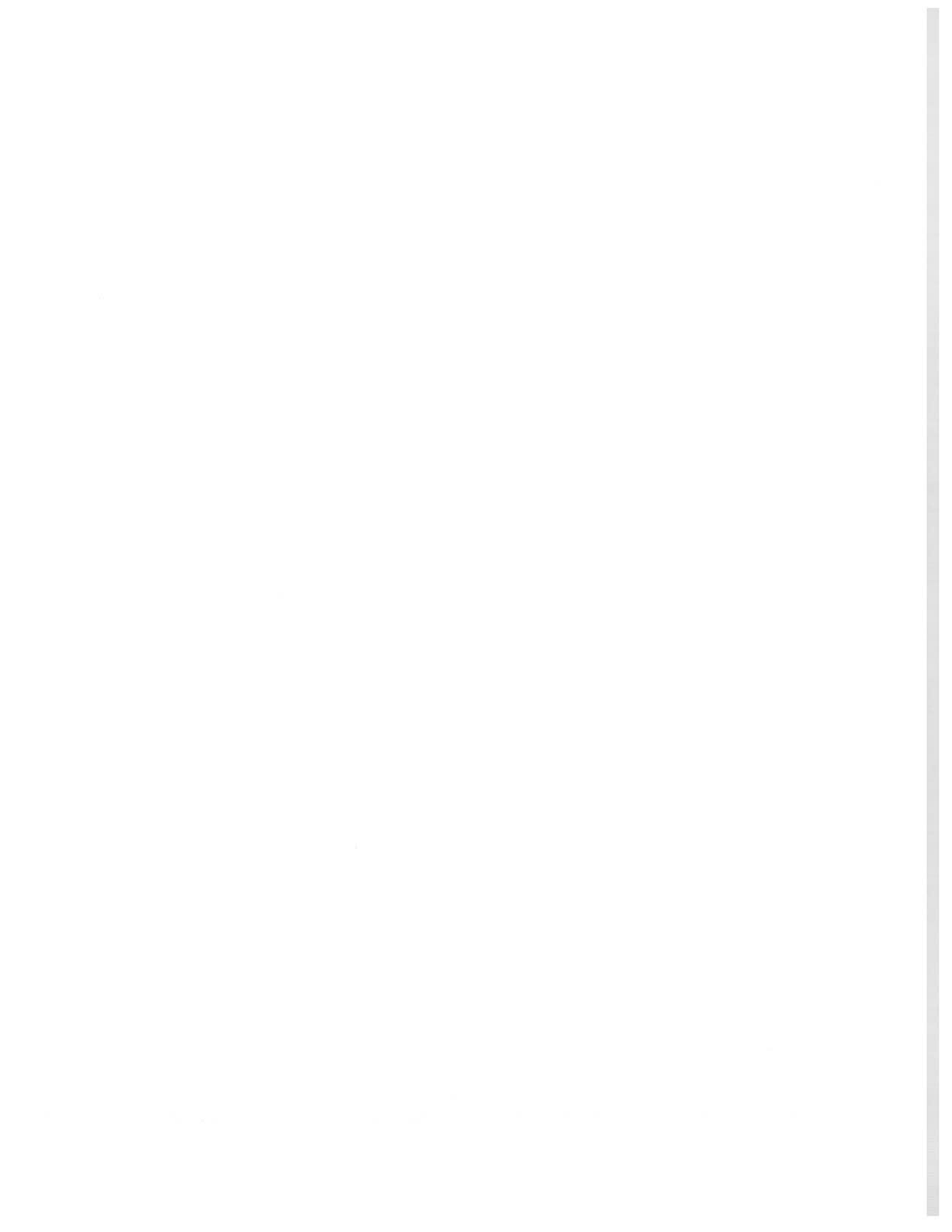
Property owner's Signature

Date

*J. E. Samuelson*  
Received by

*1/16/2019*  
Date

**NOTICE: If the Decision of the Zoning Hearing Board is appealed, the appellant is responsible for the cost of the transcript.**



**BETHLEHEM ZONING HEARING BOARD**

Beall Fowler, Robert Romeril, : No.  
Martin Romeril, Barbara Diamond, :  
Steven Diamond and Bruce Haines, :  
Applicants : Appeal of Zoning Ordinance Amendment  
: Pursuant to 53 Pa.C.S.A. § 10909.1(a)(1)  
: :  
: Re: Bill No. 46-2018 – Zoning Text Amendment -  
: Section 1304.04 – Reuse of Corner Commercial  
: Uses Allowed In The RT And RG Districts

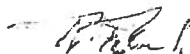
**NOTICE OF APPEAL OF ZONING ORDINANCE AMENDMENT**  
**PURSUANT TO 53 Pa.C.S.A. § 10909.1(a)(1)**

**TO THE ZONING HEARING BOARD OF THE CITY OF BETHLEHEM,  
PENNSYLVANIA:**

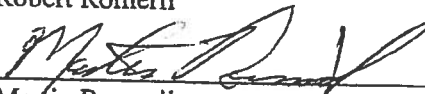
NOTICE is hereby given that Applicants, Beall Fowler, Robert Romeril, Martin Romeril, Barbara Diamond, Steven Diamond and Bruce Haines, by and through their counsel, Davison & McCarthy, P.C. hereby appeal the enactment of Bill No. 46-2018 – Zoning Text Amendment – Section 1304.04 – Reuse of Corner Commercial Uses Allowed in the RT and RG Districts pursuant to 53 Pa.C.S.A. § 10909.1(a)(1).



Beall Fowler



Robert Romeril



Martin Romeril



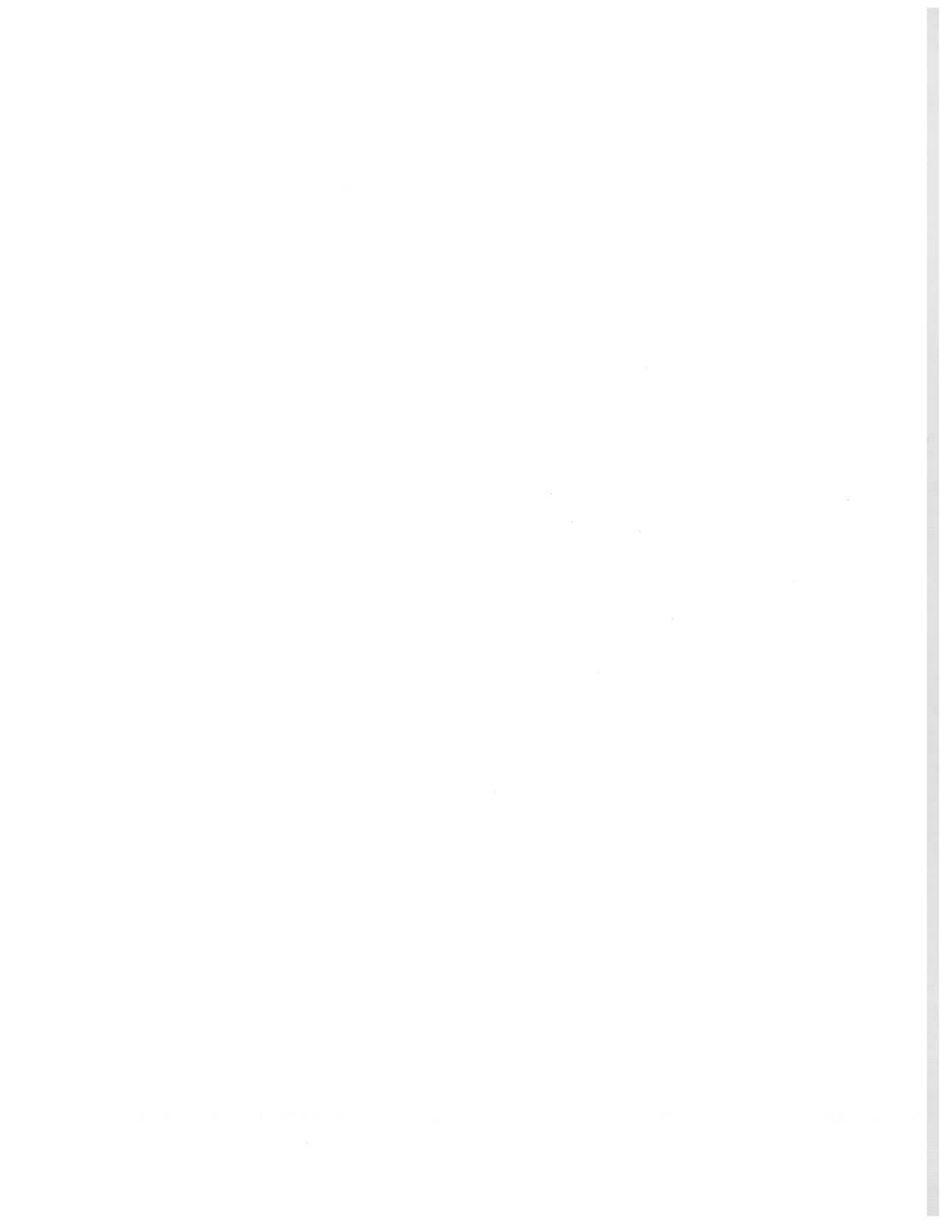
Barbara Diamond



Steven Diamond



Bruce Haines





**BETHLEHEM ZONING HEARING BOARD**

Beall Fowler, Robert Romeril, : No.  
Martin Romeril, Barbara Diamond, :  
Steven Diamond and Bruce Haines, :  
Applicants : Appeal of Zoning Ordinance Amendment  
: Pursuant to 53 Pa.C.S.A. § 10909.1(a)(1)  
: Re: Bill No. 46-2018 – Zoning Text Amendment -  
: Section 1304.04 – Reuse of Corner Commercial  
: Uses Allowed In The RT And RG Districts

**APPEAL FROM THE CITY OF BETHLEHEM'S ADOPTION  
AND ENACTMENT OF BILL NO. 46-2018 –  
ZONING TEXT AMENDMENT – SECTION 1304.04 –  
REUSE OF CORNER COMMERCIAL USES  
ALLOWED IN THE RT AND RG DISTRICTS**

**TO THE ZONING HEARING BOARD OF THE CITY OF BETHLEHEM,  
PENNSYLVANIA:**

AND NOW COMES, the Applicants, Beall Fowler, Robert Romeril, Martin Romeril, Barbara Diamond, Steven Diamond and Bruce Haines, by and through their counsel, Davison & McCarthy, P.C. and hereby Appeal the City of Bethlehem's enactment of Bill No. 46-2018 – Zoning Text Amendment – Section 1304.04 – Reuse of Corner Commercial Uses Allowed in the RT and RG Districts pursuant to 53 Pa.C.S.A. § 10909.1(a)(1) and in support thereof aver and state as follows:

1. Applicants, Robert Romeril and Martin Romeril reside at 26 W. Market Street, Bethlehem, Northampton County, Pennsylvania 18018 which is on the same side of the street and approximately five (5) houses down from the Petitioner, Morning Star Partners, LLC's property located at 2 W. Market Street, Bethlehem, Northampton County, Pennsylvania 18018.
2. Applicants, Barbara Diamond and Steven Diamond, husband and wife, reside at 425 Center Street, Bethlehem, Northampton County, Pennsylvania 18018 which is

approximately one and one-half (1½) blocks from the Petitioner's property at 2 W. Market Street.

3. Applicant, Beall Fowler resides at 409 Center Street, Bethlehem, Northampton County, Pennsylvania 18018 and is approximately one and one-half (1½) blocks from the Petitioner's property at 2 W. Market Street.

4. Applicant, Bruce Haines resides at 63 W. Church Street, Bethlehem, Northampton County, Pennsylvania 18018 which is approximately two (2) blocks away from the Petitioner's property at 2 W. Market Street.

5. The Petitioner of the subject Zoning Ordinance Amendment is Morning Star Partners, LLC with a business address of 100 Broadhead Road, Suite 130, Northampton County, Pennsylvania 18017.

6. The Petitioner's property at 2 W. Market Street is located in an RT – Residential Zoning District.

7. The RT High Density Residential District provides for higher density residential neighborhoods with a mix of housing types. See Bethlehem Zoning Ordinance 1303.07(e).

8. The RG Medium Density Residential District provides for medium high density neighborhoods with a mix of housing types. See Bethlehem Zoning Ordinance 1303.07(d).

9. Retail is not a permitted use in an RT or RG Zoning District.

10. Commercial office space is not a permitted use in an RT or RG Zoning District.

11. On or about August 30, 2018, Petitioner, Morning Star Partners, LLC submitted a Petition to the Bethlehem City Council for an Amendment to the City Zoning Ordinance by revision of the City Zoning Map. A true and correct copy is annexed hereto as Exhibit "1". However, Morning Star withdrew said Petition shortly after serving same upon City Council.

12. On September 27, 2018, Petitioner, Morning Star Partners, LLC served a second Petition upon the Bethlehem City Council which was labeled "Petition to the City Council of the City of Bethlehem for Amendment to the City's Zoning Ordinance" and is annexed hereto as Exhibit "2".

13. On October 25, 2018, the Lehigh Valley Planning Commission ("LVPC") considered the subject Zoning Ordinance Amendment. In the agenda of said LVPC meeting, there was a LVPC project review summary providing the notes of the Comprehensive Planning Subcommittee. The written comment of LVPC for the Zoning Ordinance Amendment stated: "[w]hile the proposed amendment addresses a matter of local concern, the LVPC recommends that the City insure that such an amendment would have broad enough applicability and be suitable throughout the two (2) districts to justify its adoption". See a true and correct copy of the LVPC October 25, 2018 Project Review Summary for the subject Zoning Ordinance Amendment annexed hereto as Exhibit "3". However, a few minutes prior to the commencement of said LVPC meeting, there was a verbal revision indicating that the subject Zoning Ordinance Amendment would only be considered as a matter of local concern. Darlene Heller, the Director of Planning and Zoning of the City of Bethlehem, who is a member of LVPC, was conspicuously absent from this meeting. Members of the Applicants and their counsel were present and raised objections to the LVPC's alteration of the subcommittee's recommendation, renounced LVPC's claim that it was an alleged "mistake" and voiced concern over LVPC's last minute recommendation that the proposed Amendment was only a matter of local concern.

14. On November 8, 2018, the Bethlehem City Planning Commission considered the subject Zoning Ordinance Amendment. Darlene L. Heller, the Director of Planning and Zoning provided a Memorandum dated November 2, 2018, which is annexed hereto as Exhibit "4". She

indicated that there was “no information about how many properties this Amendment would affect in other areas of the City” and “the end result of the Amendment is unclear”. The subject Zoning Ordinance Amendment did not pass with a vote of 2-2. The City Planning Commission members who voted against the subject Amendment expressed their concern that the Amendment was not properly analyzed or vetted through the City Planning Department, and the overall impact of the Amendment on the City of Bethlehem was unknown.

15. On November 20, 2018, a hearing was conducted before the Bethlehem City Council on the subject Zoning Ordinance Amendment.

16. Based upon information and belief, Applicants respectfully submit that the City of Bethlehem failed to provide proper notice of the aforesaid hearing pursuant to the City of Bethlehem Zoning Ordinance 1326.03(a)(b)(d) and 53 Pa.C.S.A. § 10609(b)(1) and (2).

17. Prior to the initial vote by City Council on the subject Amendment, the City of Bethlehem did not endorse the Amendment; nor did it undertake any comprehensive study of the overall impact of the Amendment upon the residential neighborhoods in the RT and RG Zoning Districts. In fact, Darlene Heller stated in her Memorandum to City Council dated November 14, 2018 annexed hereto as Exhibit “5”, that “the City typically proposes amendments to address overall goals and objectives of the Comprehensive Plan or other planning documents. It is not the City’s practice to initiate text amendments that are written for specific, individual properties. If individual properties need relief from the zoning ordinance text, that relief would be sought through the Zoning Hearing Board . . . [t]here is no information about how many properties this amendment would affect in other areas of the city. Therefore, the end result of the amendment is unclear . . .”

18. However, at the hearing on the Amendment and during the public comment prior to the initial vote, the proponents of the Amendment established that an implied or express contract existed between the Petitioner and the City of Bethlehem. The contractual agreement consisted of the Petitioner making substantial donations to a not-for-profit mounted police organization that benefitted the City, contributed other alleged “philanthropic” donations that benefitted the City as well as extensively renovated the subject property in exchange for the endorsement of the subject Zoning Amendment by the City of Bethlehem and the passage of same through City Council. Put another way, the evidence revealed that a quid pro quo contractual arrangement existed wherein the Petitioner made substantial contributions that benefitted the City in exchange for favorable treatment for its Petition to Rezone 2 W. Market Street for a commercial office use.

19. On December 4, 2018, after hearing the public comment on the proposed Zoning Amendment, Mayor Donchez provided his endorsement of the said Zoning Amendment that stands in stark contrast to the representations by the Office of City Planning. As previously stated, Darlene Heller stated to both the Bethlehem City Planning Commission and to City Council that the end result of the Amendment is unclear and that the relief for the Petitioner would typically be through review and approval through the Zoning Hearing Board.

20. Given that the Zoning Amendment does not apply to the general public based upon the findings of the City of Bethlehem’s Planning Office (see Exhibit “8” *infra*), the express or implied contract as described herein has no place “in a zoning plan and a contract between a municipality and a property owner should not enter into the enactment or enforcement of zoning regulation”. Carlino v. Whitpain Investors, 499 Pa. 498, 504, 453 A.2d 1385, 1388 (1982).

21. Despite being provided notice of the substantive and procedural defects with the proposed Zoning Amendment by the Applicants and their counsel, the members of City Council voted 4-3 in favor passing the subject Amendment during the initial vote on December 4, 2018.

22. On December 12, 2018, counsel for the Applicants provided the Solicitor of the Bethlehem City Council with written notice of the substantive and procedural defects with the subject Zoning Ordinance Amendment which is annexed hereto as Exhibit "6".

23. Despite being placed on written and verbal notice by the Applicants and their counsel of the procedural and substantive defects with the proposed Zoning Ordinance Amendment, the members of City Council voted 4-3 in favor passing the aforesaid Amendment on December 18, 2018.

24. Due to these concerns and prior to the aforesaid final vote, Paige Van Wirt, M.D. made a motion to table the subject Amendment in order to engage in further study and analysis of the overall impact of the subject Amendment which was denied with a vote of 5-2.

25. In addition, on December 11, 2018, Dr. Van Wirt requested Darlene Heller, Director of Planning and Zoning and Alicia Karner, the Community and Economic Director of the City of Bethlehem to provide critical data that was necessary to fully assess the impact of the subject Zoning Amendment that was going to be voted upon on December 18, 2018.

26. On or about December 17, 2018, Darlene L. Heller, the Director of Planning and Zoning provided a Memorandum with incomplete data requested without any analysis on the impact of the subject Zoning Amendment which is annexed hereto as Exhibit "7".

27. Furthermore, on December 18, 2018, Darlene L. Heller, the Director of Planning and Zoning was again conspicuously absent at this final vote for the subject Amendment and unavailable to answer the questions of council woman, Paige Van Wirt, M.D. and members of

the public at large with regard to the procedural and substantive infirmities of the subject Amendment.

28. Despite council woman Dr. Van Wirt's pleas for more time to consider this data and to delay the vote in order to better assess the impact of the Amendment, this request for further study of the Amendment was denied by City Council in its rush to appease the Petitioner, Morning Star Partners, LLC and its principals who wield significant influence in the City of Bethlehem as per the testimony and evidence record.

29. The Zoning Hearing Board of the City of Bethlehem has jurisdiction to hear and render a final adjudication in this Appeal pursuant to 53 Pa.C.S.A. § 10909.1(a)(1).

30. The herein procedural and substantive infirmities and/or defects *inter alia* in the process of enactment or adoption of the subject Zoning Ordinance Amendment render it invalid.

31. Upon information and belief, Applicants submit that the City of Bethlehem failed to publish a notice of the time, place and general nature of such public hearing in a manner consistent with the Municipalities Planning Code in violation of Bethlehem Zoning Ordinance 1326.03(a) and 53 Pa.C.S.A. § 10609(b)(1);

32. Applicants state that the subject Zoning Ordinance constitutes a map change because it effectively rezones the property at 2 W. Market Street placing it in its own newly-created zoning district located within the existing RT residential district. The Zoning Amendment has created an entirely new zoning classification which is targeted at the 2 W. Market Street property, and comprehensively changes the nature of the property zoning in a manner that is substantially different from all the other properties in the RT and RG Residential Districts.

33. Furthermore, the newly created comprehensive zoning scheme discussed above applies to a discrete area within the existing RT Residential District, and in particular, the 2 W. Market Street property.

34. Specifically, at the hearing, the Petitioner proposed that eight (8) properties in the RT and RG Districts would be affected by the subject Zoning Amendment and provided supporting documentation and evidence of same at the November 20, 2018 public hearing. In response, Darlene L. Heller, the Director of Planning and Zoning provided a Memorandum to City Council dated December 3, 2018 which is annexed hereto as Exhibit "8". Ms. Heller concluded that none of the eight (8) listed properties include a detached single family dwelling, and therefore, none of these properties would be impacted by the proposed Zoning Amendment. Accordingly, there is evidence of record indicating that no other properties in the RT or RG Districts would be affected other than the subject property at 2 W. Market Street.

35. Hence, if an ordinance contains changes that are so comprehensive in nature as to result in a substantial change to the manner in which the tract of land is zoned in comparison to the surrounding tracts of land that were similarly zoned, then the ordinance will constitute a map change. See Shaw v. Township of Upper St. Clair Zoning Hearing Bd., 71 A.3d 1103, 1109 (Pa.Cmwth. 2013). Here, the subject Zoning Amendment introduces at least 12 new commercial office uses as part of its new zoning scheme, and commercial office use is not a permitted use in either the RT or RG Districts. Accordingly, in enacting the subject Zoning Ordinance Amendment, the City of Bethlehem effectively placed 2 W. Market Street in a new zoning district and, consequently, altered the boundaries of the RT District in which the property at 2 W. Market Street sits. Put another way, the City and Petitioner accomplished through a



purported text amendment what should have been done through a map change.<sup>1</sup> Accordingly, Applicants respectfully submit that this Honorable Court should conclude that the subject Zoning Ordinance Amendment labeled as a “text amendment” should be deemed a map change as a matter of law. Id.

36. Based upon the foregoing, Applicants respectfully submit that there is a procedural violation due to the City’s failure to provide notice pursuant to the City of Bethlehem Zoning Ordinance 1326.03(b) stating “when such hearing concerns a zoning map change, it 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. Similarly, the City of Bethlehem has violated 53 P.S. § 10609(b)(2)(i).

37. Furthermore, the Applicants respectfully submit that there is a further violation of procedural due process rights for failure to provide notice pursuant to the City of Bethlehem Zoning Ordinance 1326.03(d) which requires “if the proposed zoning 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”. Similarly, the City of Bethlehem has violated 53 Pa.C.S.A. § 10609(b)(1).

38. Darlene Heller, the Director of Planning and Zoning, Alicia Karner, the Community and Economic Director, Mayor Donchez and the City Administration and the City of

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<sup>1</sup> As set forth in the procedural history above, Petitioner initially served City Council with a proposed map change for the subject property. After withdrawing that Petition, the map change was recast as a text amendment. *Compare* Exhibit “1” *with* Exhibit “2”.

Bethlehem have committed procedural and substantive errors for failing to properly study and analyze the overall impact of the subject Zoning Ordinance Amendment.

39. Bethlehem City Council has otherwise committed procedural and substantive errors for failing to properly study and analyze the overall impact of the subject Zoning Ordinance Amendment.

40. Bethlehem City Council committed procedural and substantive errors by failing to delay the final vote of the subject Zoning Ordinance Amendment and consider the data that was provided by Darlene Heller less than 24 hours prior to the vote on the Amendment, and require Ms. Heller to provide all information requested by City Council member Paige Van Wirt, M.D.

41. Darlene L. Heller, the Director of Planning and Zoning and/or other representatives from the Administration from the City of Bethlehem committed procedural and substantive errors by failing to be present at the LVPC meeting and for the vote before City Council on the Amendment to address procedural and substantive infirmities and defects in the adoption and enactment process for the Zoning Amendment as described herein.

42. Along with the procedural defects as described above, the subject Zoning Ordinance is invalid for substantive reasons and is violative of the Constitution of the United States of America, the Constitution of the Commonwealth of Pennsylvania, the Pennsylvania Municipalities Planning Code, the Zoning Ordinance of the City of Bethlehem, the Comprehensive Plan of the City of Bethlehem and other applicable laws, rules and regulations as it:

- unlawfully constitutes spot zoning;
- impermissibly constitutes contract zoning that has no place in the zoning plan and the contract between the City of Bethlehem and the Petitioner and owner of 2 W. Market Street has unlawfully entered into the enactment and enforcement of the Zoning Amendment;

- impermissibly discriminates against owners of property in the RT and RG districts who do not have a corner property as defined in the Ordinance;
- violates the right of equal protection under the law expected and enjoyed by those affected by the Zoning Ordinance;
- violates the right of substantive due process expected and enjoyed by those affected by the Zoning Ordinance;
- fails to promote the public health, safety or welfare and is not rationally related to a legitimate government interest;
- constitutes impermissible exclusionary zoning;
- is arbitrary and unreasonable and has no substantial relationship to the public health, safety, morals or general welfare of the citizens of Bethlehem;
- is unreasonable and not substantially related to any police powers since it completely undermines the purpose of Article 1323 of the Zoning Ordinance governing non-conformities;
- has no rational relationship whatsoever to the corner store provision, 1304.04 of the Zoning Ordinance which pertains only to those corner properties that have an existing store front character and other unique architectural characteristics;
- has no rational relationship whatsoever to the spirit and intention of the corner store provision of 1304.4 to “Reuse” a former commercial use of a property; rather the Zoning Amendment impermissibly introduces an entirely new use of commercial office space into the RT and RG residential districts;
- is unreasonable, arbitrary and has a discriminatory impact due to the City of Bethlehem and the City Council’s failure to conduct sufficient study and analysis of the overall impact of the subject Zoning Amendment;
- failure of the City to provide complete information as requested by City Council member Paige Van Wirt, M.D. in order to conduct a proper analysis of the impact of the Zoning Amendment;

- is violative of the City of Bethlehem Comprehensive Plan since the Zoning Amendment erodes the reliability of the Zoning Ordinance in residential districts;
- depletes the availability of housing within the territorial limits of the City of Bethlehem;
- promotes existing residents of the City of Bethlehem to flee to the suburbs and undeveloped land surrounding the City of Bethlehem contrary to the spirit and intent of the Comprehensive Plan;
- deters residents from moving into the City of Bethlehem due to the unreliability of the Zoning Ordinance;
- reverses the progress in the historic neighborhood of converting commercial and multi-family dwellings to single family residential uses and otherwise violates the spirit and intention of the Comprehensive Plan;
- the City of Bethlehem has committed malfeasance for failing to undertake sufficient research, analysis and due diligence to understand the overall impact of the Zoning Amendment upon the City of Bethlehem;
- the Bethlehem City Council has committed malfeasance for passing the Zoning Amendment without conducting sufficient due diligence to understand the impact of the Zoning Amendment and for passing the Amendment for the sole reason to appease the interest of the Petitioner who wields significant influence in the City of Bethlehem;
- violates the right of privacy expected and enjoyed by those affected by the Zoning Ordinance;
- violates the right of travel expected and enjoyed by those affected by the Zoning Ordinance;
- impermissibly restrains the freedom of association expected and enjoyed by those affected by the Zoning Ordinance;
- impermissibly restricts the freedom to contract expected and enjoyed by those affected by the Zoning Ordinance;
- otherwise violates the Constitution of the United States of America, the Constitution of the Commonwealth of Pennsylvania, the Zoning Ordinance of the City of Bethlehem, the Pennsylvania Municipalities Planning Code and other applicable laws.

WHEREFORE, Applicants, Beall Fowler, Robert Romeril, Martin Romeril, Barbara Diamond, Steven Diamond and Bruce Haines respectfully request the Zoning Hearing Board to fix a date and time for hearing of this Appeal as required by law and Ordinance.

Respectfully submitted,

DAVISON & McCARTHY, P.C.

By: 

Timothy T. Stevens, Esquire

Atty. I.D. # 60247

645 Hamilton Street, Suite 510

Allentown, PA 18101

610.435.0450

tstevens@davisonmccarthy.com

Attorney for Applicants,  
Beall Fowler, Robert Romeril,  
Martin Romeril, Barbara Diamond,  
Steven Diamond and Bruce Haines

228734

# EXHIBIT "1"

**PETITION TO THE CITY COUNCIL OF THE CITY OF BETHLEHEM**  
**FOR AMENDMENT TO THE CITY ZONING ORDINANCE BY**  
**REVISION OF THE CITY ZONING MAP**

AN NOW comes Morning Star Partners, LLC, to Petition City Council for a revision of the city's zoning map as more particularly set forth herein:

1. Petitioner, Morning Star Partners, LLC ("Morning Star"), is a limited liability company with a business address of 2705 Bridle Path Place, Bethlehem, PA 18017-3803.
2. Morning Star owns real property in the City of Bethlehem more particularly described by Deed dated May 9, 2014 recorded at Northampton County Deed Book 2014-1, Page 77550 ("Subject Property").
3. The Subject Property - containing a single-family dwelling, two apartments units, and various retail uses, all on the same lot - is further identified by the street addresses of 511 New Street (retail use), 513 New Street (retail use), 515 New Street (retail use), and 2 West Market Street (residential use).
4. The Subject Property is at the intersection of Market and New Streets as shown on Exhibit "A" attached hereto and made a part hereof.
5. The retail uses at the Subject Property are contained in a building that housed the Moravian Brass Foundry.
6. The structures at the Subject Property are historically significant.
7. The Subject Property is zoned RT (high density residential).
8. The retail uses at the Subject Property are not permitted in the RT Zoning District.
9. The Subject Property abuts a CB zoning district (central business) to the north.
10. Retail uses are permitted in the CB zoning district.

11. Petitioner will be able to restore and maintain the structures in their historic condition.
12. Rezoning the property to CB will allow Morning Star to operate the retail uses as permitted uses, and to use the existing dwelling unit as a permitted financial service office.

Wherefore, Petitioners pray City Council to revise the city's zoning map by rezoning the Subject Property, delineated in Exhibit "A" attached hereto, and described in the metes and bounds description attached hereto as Exhibit "B", from RT (high density residential) to CB (central business).

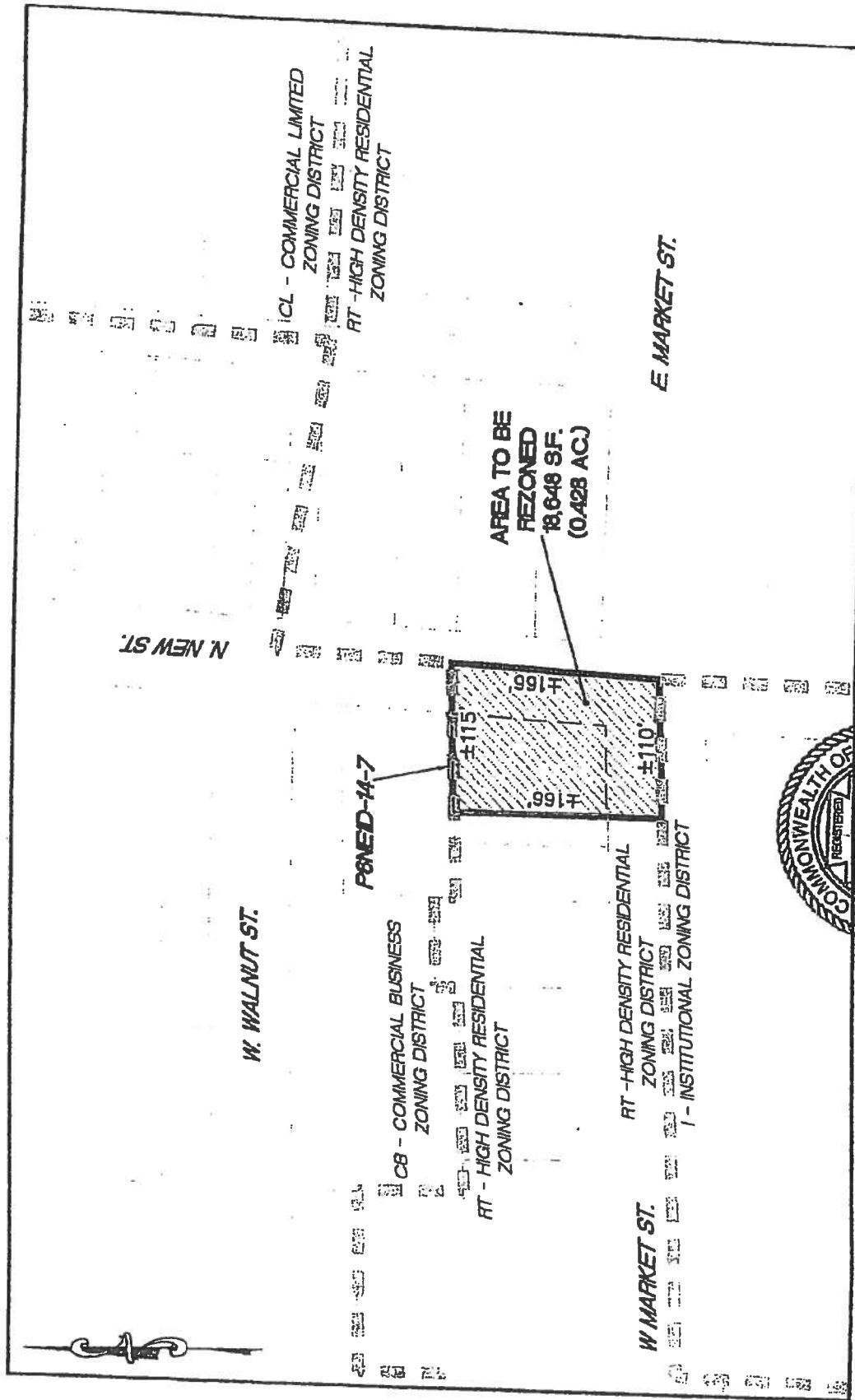
Date: August 30, 2018

Morning Star Partners, LLC

By: 

Kori Lannon





**Van Cleeve**  
ENGINEERING ASSOCIATES  
Consulting Civil, Environmental & Municipal Engineering  
Land Surveying • Professional Planning • Landscape Architecture

BY: *Michael J. Gula*  
MICHAEL J. GULA, PLS., PA LIC. No. 51975413

LAND SURVEYOR (No. 3025111)  
MICHAEL J. GULA  
PROFESSIONAL

COMMONWEALTH OF PENNSYLVANIA

AREA OF ZONING REQUEST  
TAX PARID: P8NED-14-7  
MORNING STAR PARTNERS, LLC  
CITY OF BETHLEHEM  
NORTHAMPTON COUNTY, PENNSYLVANIA

JOB NO. 1307-BCI DATE: 8/30/18

GRAPHIC SCALE  
( IN FEET )  
1 Inch = 100 ft.

Metes and Bounds Description  
**AREA OF REZONING REQUEST**  
PAR ID: P6NEID-14-7  
City of Bethlehem, Northampton County, Pennsylvania

**ALL THAT CERTAIN** lot or tract of ground situated in the City of Bethlehem, Northampton County, Pennsylvania, being identified as Area to be Rezoned on a plan entitled "Area of Zoning Request for Morning Star Partners, LLC" as prepared by Van Cleef Engineering Associates, dated August 30, 2018, and being more particularly described as follows:

**BEGINNING** at a point in the centerline of N. New St., said point being approximately 166 feet in a northerly direction from the intersection with W. Market St., thence;

1. In and along N. New St., in a southerly direction, an approximate distance of 166 feet to a point, thence;
2. In and along W. Market St., in a westerly direction, an approximate distance of 110 feet to a point, thence;
3. Along the easterly line of Parcel ID P6NEID-14-8, in a northerly direction, a distance of 166 feet to a point, thence;
4. Along the southerly line of Parcel ID P6NEID-14-6, in an easterly direction, a distance of 115 feet to a point, the aforementioned **POINT AND PLACE OF BEGINNING**.

Containing a calculated area of 18,648 square feet or 0.428 acres.



Michael J. Gula, PA PLS - PA License No. SU-075413  
Van Cleef Engineering Associates  
August 30, 2018

# EXHIBIT "2"

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

AN NOW comes Morning Star Partners, LLC, to Petition City Council for a revision to the text of the City's Zoning Ordinance as more particularly set forth herein:

1. Petitioner, Morning Star Partners, LLC ("Morning Star"), is a limited liability company with a business address of 2705 Bridle Path Place, Bethlehem, PA 18017-3803.
2. Morning Star owns real property in the City of Bethlehem more particularly described by Deed dated May 9, 2014 recorded at Northampton County Deed Book 2014-1, Page 77550 ("Subject Property").
3. The Subject Property, containing a single-family dwelling, two apartments units, and various retail uses - all on the same lot - is further identified by the street addresses of 511 New Street (retail use), 513 New Street (retail use), 515 New Street (retail use), and 2 West Market Street (residential use).
4. The retail uses at the Subject Property are contained in a building with historical significance that once housed the Moravian Brass Foundry.
5. The single-family dwelling at the Subject Property is wholly contained in a separate freestanding building.
6. The structures at the Subject Property are architecturally significant in that they are recognized features at the corner of New and Market streets compatible with the historic ambiance of the neighborhood.
7. The Subject Property is zoned RT (high density residential).
8. The single-family dwelling at the Subject Property is permitted in the RT District; however, its location on the same lot as other retail uses is not permitted.

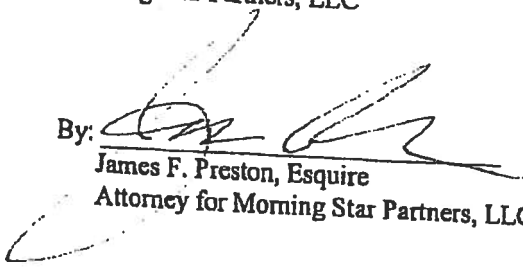
9. The retail uses at the Subject Property are not permitted in the RT Zoning District.
10. The mixed retail/residential use is not permitted at the Subject Property.
11. Morning Star would like to preserve the buildings in their current historic context; however, it is not possible to do so under the current zoning classification.
12. The zoning amendment proposed by Morning Star revises the text of Z.O. § 1304.04.
13. Z.O. § 1304.04 currently allows the use of certain corner properties as retail uses.
14. Attached hereto as Exhibit "A" is the current version of Z.O. § 1304.04 marked to show the revisions proposed by Morning Star.
15. Attached hereto as Exhibit "B" is the final version of the amended § 1304 that incorporates the revisions identified in Exhibit "A", and sets forth the requested zoning amendment.
16. The proposed amendment closely follows the existing text of Z.O. § 1304.04, thereby incorporating the rationale of the existing § 1304.04.
17. The proposed amendment will allow Morning Star to operate the retail uses as permitted special exception uses, and to use the existing dwelling unit as a permitted financial services office, all while preserving the existing character of the Subject Property.
18. The proposed zoning amendment provides additional protections for existing neighborhoods in that any proposed use will be subject to zoning hearing board review and approval as a special exception.

Wherefore, Petitioner respectfully requests that City Council revise the City's Zoning Ordinance by amending the text of Zoning Ordinance § 1304.04 as indicated on Exhibit "B" attached hereto.

Morning Star Partners, LLC

Date: September 27, 2018

By:

  
James F. Preston, Esquire

Attorney for Morning Star Partners, LLC

**Exhibit "A"**

**1304.04. ~~Reuse of Certain Corner Commercial Uses~~ 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.

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

(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.

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(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.

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(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.

**Exhibit "B"**

**1304.04. Reuse of Certain Corner 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:

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

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(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.

# EXHIBIT "3"



## Lehigh Valley Planning Commission

STEPHEN REPASCH  
Chair

JOHN DIACOGIANNIS  
Vice Chair

STEVEN GLICKMAN  
Treasurer

BECKY A. BRADLEY, AICP  
Executive Director

### LEHIGH VALLEY PLANNING COMMISSION MEETING

Thursday, October 25, 2018 at 7:00pm

LVPC Conference Room

#### AGENDA

##### Roll Call

##### Courtesy of Floor

Minutes – September 25, 2018 Commission Meeting (see attached pp. 3 - 8)

##### Chairman's Report

1. Gala Report
2. New Staff: Valarie Discafani, AICP/PP, Director of Transportation Planning

##### Comprehensive Planning Committee:

1. MacArthur Commons – Redevelopment (JAS) (see attached pp. 9 - 10)
2. Ordinance/Plan Reviews
  - Summary Sheet (see attached pp.11)

##### Environment Committee:

1. Lehigh Valley Hazard Mitigation Plan Status Report (GR)
2. Delaware River Basin Commission Reviews (SR)
  - Summary Sheet (see attached pp. 12 - 13)

##### Transportation Committee:

1. No Report

##### Old Business:

1. FutureLV:
  - Land Analysis (GR)
  - Planning Action Team - Upcoming Meeting
    - Slate Belt – Tuesday, November 13 @ Pen Argyl Community Center, 25 S. Main Street, Pen Argyl, PA 18072, 5:30 p.m.



2. Walk/BikeLV: Active Transportation Plan Update (BB)
  - Please fill out the wikimap so we know where walking and biking can be improved - <http://www.lvpc.org/walkbikely.html>
  - Multimodal Working Group reviewing Walk/BikeLV: Existing Conditions, Wednesday, November 28, 4:00 – 5:30 p.m. Northampton Community College/Fowler Family Southside Center, Room 605, 511 E. 3<sup>rd</sup> Street, Bethlehem, PA 18015
  - Plan Open House – Wednesday, November 28 @ Northampton Community College/Fowler Family Southside Center, Room 605, 511 E. 3<sup>rd</sup> Street, Bethlehem, PA 18015, 6:00 – 7:30 p.m.

**New Business:**

1. evolVe: What's Now and What's Next. Date Release and Purpose (MA)
  - Equity and Environmental Justice, Commuting Patterns, Traffic, Development Report and Outlook
  - Partnership with the Greater Lehigh Valley Chamber of Commerce, Wednesday, December 5 @ ArtsQuest, 5:00 – 7:00 p.m. (see attached pp. 14)

**Correspondence:**

1. Various – 2018 LVPC Gala

**Executive Director's Report:**

1. All Community General Assembly – Tuesday, October 30 @ Penn State Lehigh Valley Campus, 7:00 p.m. – 8:00 p.m.

**Public Engagement and Participation:**

1. Lehigh Valley Government Academy @ LVPC Office, 5:30 p.m. – 9:00 p.m.
  - Subdivision and Land Development Review – Thursday, November 1, 8, 15
2. Local Technical Assistance Program (LTAP) @ LVPC Office
  - Salt and Snow Management – Tuesday, November 13 @ City of Allentown, Street Department Building, 1825 Grammes Road, Allentown, Pa 18103
3. Moving Women Forward – Tuesday, November 27 @ Lehigh University, Wood Dining Room, 3:00 – 5:00 p.m.

**Next Lehigh Valley Planning Commission Meeting:**  
Thursday, November 29 @ LVPC, 7:00 p.m.

## LVPC PROJECT REVIEW SUMMARY SHEET

Comprehensive Planning

Date: October 2018

PROJECT	MUNICIPALITY	BRIEF STATEMENT OF PURPOSE	LVPC COMMENT
1. Zoning Ordinance Amendment	Hanover Township (NC)	Fireworks – Ordinance adds definitions related to the sale of fireworks, and allows fireworks sales as a conditional use in the C-1 Service Commercial District with parking and loading regulations	The amendment addresses a matter of local concern.
2. Zoning Ordinance Amendment	Lower Nazareth Township	Digital/Electronic Sign Ordinance – Adds definitions, designates permitted districts, and creates additional requirements for digital and electronic signs	The amendment addresses a matter of local concern.
3. Zoning Ordinance Amendment	Wind Gap Borough	Various – Certificate of Compliance, No Impact Home-Based Business, Home Occupation, Fences, Vehicle Signs, Clear Sight Triangle	The LVPC provided review comments for an earlier draft of this amendment in a previous letter issued on January 23, 2018. The proposed amendment addresses matters of local concern.
4. Zoning Ordinance Amendment	Bethlehem City	Reuse of Corner Commercial Lots – Adds a special exception for the conversion of single family dwellings located on corner lots within the Medium Density Residential District (RG) and the High Density Residential District (RG) to office use when another non-conforming retail or commercial use already exists in combination with the single family residence	While the proposed amendment addresses a matter of local concern, the LVPC recommends that the city ensure that such an amendment would have broad enough applicability and be suitable throughout the two districts to justify its adoption.

# EXHIBIT "4"

# CITY OF BETHLEHEM

## Department of Community and Economic Development Interoffice Memo

**TO:** Planning Commission members  
**FROM:** Darlene L. Heller, Director of Planning and Zoning  
**RE:** Petition of Morning Star Partners, LLC for Zoning Text Amendment

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Attached is the petition of Morning Star Partners LLC for a zoning text amendment that proposes to revise and amend Section 1304.04 of the Ordinance to allow Morning Star to operate a professional office as a permitted special exception use and to use the existing dwelling unit as a permitted financial services office.

### Findings of Fact

Morning Star Partners owns the property at 2 W Market Street which is zoned RT. It immediately abuts the CB, Central Business, district to the north and the Institutional zoning district to the south. The RT zoning district extends to the east and the west of this property. The property is immediately abutted by an office building to the north, educational and office buildings to the east, a Bed & Breakfast to the south east, educational buildings to the south and a residential building to the west. It is located in a mixed-use neighborhood. See the attached map showing the various existing land uses.

The lot contains a single family detached home, 2 retail units, 2 apartments in accessory buildings and a detached garage. It is a mixed-use parcel.

The purpose section of the Zoning Ordinance notes that the RT, High Density residential District, is to provide for "higher density residential neighborhoods with a mix of housing types". However, it is also noteworthy that the Use Chart of the Zoning Ordinance, Section 1304.01, allows several non-residential uses in the district that are not allowed in other lower density residential zoning districts. For instance, bed & breakfast inns, funeral homes, museum, adult day care, nursing home or personal care home are permitted by special exception in the RT zone, but not allowed in lower density zoning districts such as RR or RS.

The lot is located in the North Bethlehem Historic District.

The parcel has experienced a series of zoning appeals in recent years in an attempt to reuse the single family detached home as a professional office for financial services. The first of three zoning appeals was denied. The second appeal was not heard by the Zoning Hearing Board (ZHB) since it was determined to be res judicata. The third appeal was originally approved by the ZHB but was later overturned by the PA Commonwealth Court. Following the ZHB approval and during the appeal period, permits were issued for the office conversion. The work was completed to convert the single family home to a financial services office and Morning Star Partners now occupies the building. The occupancy is no longer permitted since the courts have overturned the approval.

The current Section 1304.04 is entitled "Reuse of Corner Commercial Uses Allowed in the RT and RG Districts" and was added to the Zoning Ordinance as an amendment in December 2012. This section is intended to allow flexibility for the reuse of corner buildings originally built as a commercial storefront. The section requires special exception approval by the ZHB. The section has been used 3 times since its adoption.

### **Proposed Amendment**

The attached petition expands on the existing Section 1304.04 by proposing that a professional office use should also be permitted and that a storefront shall not be required.

Many of the other sections of 1304.04 are proposed to remain the same, including parking relief, impact of the proposed use, signage and special conditions. The types of professional offices recommended to be included are reflected in the professional office definition in Section 1302.104 of the ordinance. This section would apply to RT and RG zoning districts.

It is unclear which or how many properties would be affected by this text amendment in the future. Although the amendment is specifically written to provide relief for the applicant's property, there is no information related to the overall number of properties that will be affected.

Additionally, the City typically proposes amendments to address overall goals and objectives of the Comprehensive Plan or other planning documents. It is not the City's practice to initiate text amendments that are written for specific, individual properties. If individual properties need relief from the zoning ordinance text, that relief would be sought through the Zoning Hearing Board.

### **Comprehensive Plan**

A Comprehensive Plan typically charts a course for future development. It provides a long-term view of goals and objectives for Bethlehem in a wide range of inter-related topics. There are several chapters that include principles related to this amendment.

The Future Land Use chapter proposes to guide future development by protecting residential neighborhoods and by promoting compatible land uses at appropriate densities. The chapter recommends differentiating between business uses that should be permitted near neighborhoods and those that should not.

The High-Density Residential section on page 3-10 states that portions of high-density residential areas could also allow for offices, personal care/assisted living homes, nursing homes, funeral homes, day care centers, senior housing and related facilities.

The Housing and Neighborhoods chapter recommends facilitating mixtures of residential and low-intensity non-residential uses in appropriate areas of the City. The chapter encourages smart growth principles such as mixed residential/non-residential uses where appropriate. Strategies for preserving neighborhoods include ensuring the city's zoning ordinance adequately addresses issues of compatibility between commercial uses and adjacent residential uses on the edge of non-residential districts.

The Historic Preservation chapter, in its goals for preserving historic resources, promotes adaptive reuse of older structures for uses other than their original use.

### Summary

Although the property owned by the petitioner for this proposal is located near the CB zone and may be considered a transitional area of the RT zone, there is no information about how many properties this amendment would affect in other areas of the city. Therefore, the end result of the amendment is unclear. If the amendment really only affects this one property, then relief for the applicant would typically be through review and approval of the Zoning Hearing Board.

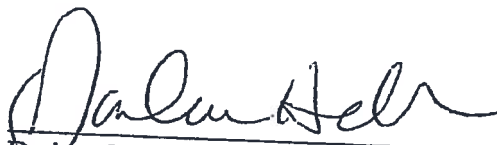
The proposed amendment is scheduled for review on your November 8 meeting. The proposal will be forwarded to City Council for final review and consideration.

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### Attachment

CC: Mayor Donchez  
Ed Healy  
Alicia Karner  
Tracy Samuelson

DATE: 11-2-18



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Darlene L. Heller, AICP  
Director of Planning and Zoning

# EXHIBIT "5"

# CITY OF BETHLEHEM

## Department of Community and Economic Development Interoffice Memo

**TO:** Adam Waldron, City Council President  
**FROM:** Darlene L. Heller, Director of Planning and Zoning  
**RE:** Zoning Text Amendment  
Petition of Morning Star Partners. LLC

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At the November 8, 2018 Planning Commission meeting, the Commission voted 2 to 2 on whether to recommend approval of the petition of Morning Star Partners LLC for a Zoning Ordinance text amendment. The text amendment is proposed to amend Section 1304.04 – Reuse of Corner Commercial Uses Allowed in the RT and RG Zoning Districts.

Attached is the memo to the Planning Commission with an attached revised map that shows current land uses in the immediate vicinity of 2 W Market Street, the property owned by Morning Star Partners LLC.

This zoning amendment is scheduled for review at your public hearing on November 20.

---

**CC:** City Council members  
Mayor Donchez  
A. Karner  
W. Leeson  
J. Spirk  
T. Samuelson  
Attorney Preston

DATE: 11-14-18

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



# CITY OF BETHLEHEM

## Department of Community and Economic Development Interoffice Memo

**TO:** Planning Commission members

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

**RE:** Petition of Morning Star Partners, LLC for Zoning Text Amendment

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### **Proposed Amendment**

The attached petition expands on the existing Section 1304.04 by proposing that a professional office use should also be permitted and that a storefront shall not be required.

Many of the other sections of 1304.04 are proposed to remain the same, including parking relief, impact of the proposed use, signage and special conditions. The types of professional offices recommended to be included are reflected in the professional office definition in Section 1302.104 of the ordinance. This section would apply to RT and RG zoning districts.

It is unclear which or how many properties would be affected by this text amendment in the future. Although the amendment is specifically written to provide relief for the applicant's property, there is no information related to the overall number of properties that will be affected.

Additionally, the City typically proposes amendments to address overall goals and objectives of the Comprehensive Plan or other planning documents. It is not the City's practice to initiate text amendments that are written for specific, individual properties. If individual properties need relief from the zoning ordinance text, that relief would be sought through the Zoning Hearing Board.

### **Comprehensive Plan**

A Comprehensive Plan typically charts a course for future development. It provides a long-term view of goals and objectives for Bethlehem in a wide range of inter-related topics. There are several chapters that include principles related to this amendment.

The Future Land Use chapter proposes to guide future development by protecting residential neighborhoods and by promoting compatible land uses at appropriate densities. The chapter recommends differentiating between business uses that should be permitted near neighborhoods and those that should not.

The High-Density Residential section on page 3-10 states that portions of high-density residential areas could also allow for offices, personal care/assisted living homes, nursing homes, funeral homes, day care centers, senior housing and related facilities.

The Housing and Neighborhoods chapter recommends facilitating mixtures of residential and low-intensity non-residential uses in appropriate areas of the City. The chapter encourages smart growth principles such as mixed residential/non-residential uses where appropriate. Strategies for preserving neighborhoods include ensuring the city's zoning ordinance adequately addresses issues of compatibility between commercial uses and adjacent residential uses on the edge of non-residential districts.

The Historic Preservation chapter, in its goals for preserving historic resources, promotes adaptive reuse of older structures for uses other than their original use.

### Summary

Although the property owned by the petitioner for this proposal is located near the CB zone and may be considered a transitional area of the RT zone, there is no information about how many properties this amendment would affect in other areas of the city. Therefore, the end result of the amendment is unclear. If the amendment really only affects this one property, then relief for the applicant would typically be through review and approval of the Zoning Hearing Board.

The proposed amendment is scheduled for review on your November 8 meeting. The proposal will be forwarded to City Council for final review and consideration.

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### Attachment

CC: Mayor Donchez  
Ed Healy  
Alicia Karner  
Tracy Samuelson

DATE: \_\_\_\_\_

---

Darlene L. Heller, AICP  
Director of Planning and Zoning

W BROAD ST  
W BROAD ST

E BROAD ST

E BROAD ST

W WALNUT ST

E WALNUT ST

MAIN ST

W MARKET ST

E MARKET ST

N NEW ST

CENTER ST

SCHOOL ST

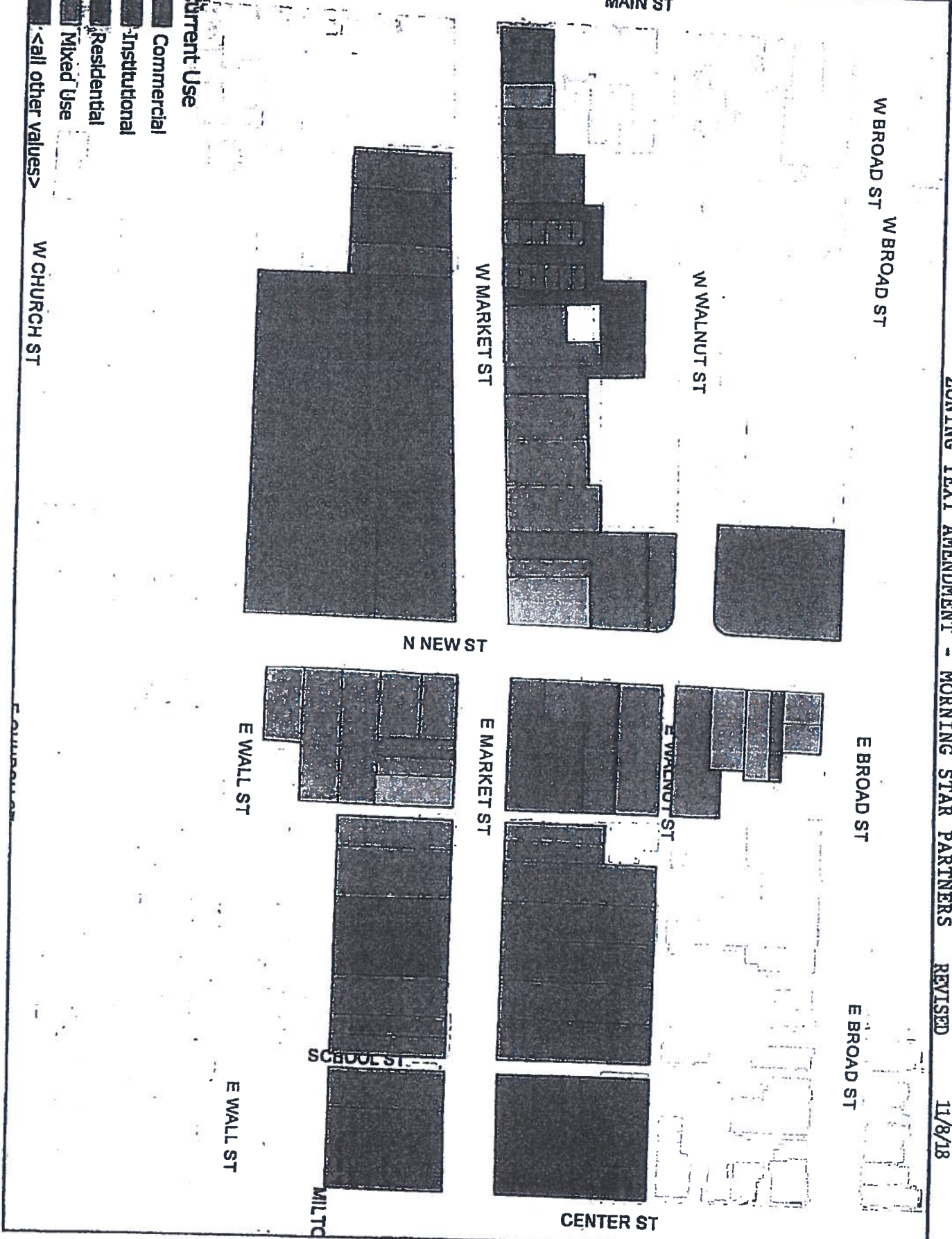
E WALL ST

E WALL ST

- Current Use
- Commercial
  - Institutional
  - Residential
  - Mixed Use
  - <all other values>

W CHURCH ST

E CHURCH ST



# EXHIBIT "6"

**Davison &  
McCarthy**  
PROFESSIONAL CORPORATION

Two City Center  
645 Hamilton Street, Suite 510  
Allentown, PA 18101  
610.435.0450 • 610.435.3089 fax

Timothy T. Stevens, Esq.  
[tstevens@davisonmccarthy.com](mailto:tstevens@davisonmccarthy.com)  
Direct Dial: 610-435-0583

*Also admitted in New Jersey  
and U.S. Virgin Islands*

December 12, 2018

VIA EMAIL ([Jspirk@northampton.edu](mailto:Jspirk@northampton.edu))  
AND FIRST CLASS MAIL

John F. Spirk, Jr., Esquire  
Solicitor, Bethlehem City Council  
404 Apollo Drive  
Bethlehem, PA 18017-2510

Re: Zoning Amendment for 2 W. Market Street, Bethlehem, PA

Dear Attorney Spirk:

I am writing with respect to the hearing before City Council on the Zoning Amendment for 2 W. Market Street and the subsequent first reading and vote by City Council on December 4, 2018. As you are aware, I represent a number of the Objectors who were the Appellants in the underlying appeals for the variance request for the subject property. I am writing to request confirmation that the exhibits that I presented at the hearing for the Zoning Amendment on November 20, 2018 are made a part of the permanent record. These exhibits are as follows:

- |            |   |
|------------|---|
| Exhibit 1  | Photographs of the Property   |
| Exhibit 2  | May 22, 2018 Commonwealth Court Decision and July 19, 2018 Order denying reargument |
| Exhibit 3  | Appellant's Brief, Reproduced Record and Factual Background                         |
| Exhibit 4  | Timeline of Zoning Litigation   |
| Exhibit 5  | August 29, 2018 Cease and Desist Letter   |
| Exhibit 6  | Attorneys' fees and costs for litigation - \$15,660.77                              |
| Exhibit 7  | Healthy Residential Neighborhood Map  |
| Exhibit 8  | Photographs with Title of Appropriate Commercial Uses in CL District                |
| Exhibit 9  | City of Bethlehem Comprehensive Plan 2008 - Housing and Neighborhoods               |
| Exhibit 10 | 8 Year Historic District Homes Sales Chart  |
| Exhibit 11 | City of Bethlehem Zoning Map  |

In addition, at the November 20<sup>th</sup> hearing, President Councilman Waldron requested that Darlene Heller conduct a review of the eight (8) properties that Attorney Preston indicated were

affected by the Zoning Amendment. In response, Ms. Heller prepared a Memorandum dated December 3, 2018. In response to said memo, I presented three (3) additional exhibits during the public comment period of the City Council meeting on December 4, 2018. I further request that those exhibits be made a part of the permanent record as follows:

- Exhibit 12 Section 1302.39 of the City of Bethlehem Zoning Ordinance defining the three (3) categories of single family dwellings
- Exhibit 13 Letter of Alan Lowcher, Esquire – Land Use Planning and Development Attorney
- Exhibit 14 Letter of Karen Beck Pooley, Ph.D., Professor of City Planning and Political Science at Lehigh University

In addition, I wish to comment on the statements that were made at the December 4, 2018 City Council meeting with respect to the legal implications of the proposed Zoning Amendment, and further ask that you urge the members of City Council to fully appreciate and consider the applicable legal precedent prior to their upcoming second vote on the proposed Zoning Amendment for 2 West Market Street.

A. ILLEGAL SPOT ZONING

During the discussion of the proposed Zoning Amendment by City Council members prior to the vote, I heard numerous council members expound upon legally invalid reasons for voting for the Amendment such as reliance upon nonconforming uses in the area, and the close border of the subject property to a commercial district. Furthermore, I caution you against being so dismissive with respect to a spot zoning challenge with respect to the proposed Zoning Amendment.

Specifically, in the matter of In Re Fayette County Ordinance No. 83-2, 509 A.2d 1342 (Pa. Commw. 1986), the neighbors of landowners brought an action challenging the decision of the zoning board which rezoned the landowners' property from residential to heavy industrial. The Commonwealth Court held that the nonconforming uses in the residential zoning district which surrounded the property were impermissible considerations in determining the legality of the rezoning of the property to heavy industrial uses. Furthermore, the Court held that the nonresidential zoning designation on the other side of the highway for the property that was rezoned from residential to heavy industrial uses did not support rezoning of the property from residential to industrial uses. As a result, the Court held that the rezoning of the property was illegal spot zoning.

In the present matter, the City Councilmen who voted in favor of the Zoning Amendment made numerous references to the "mixed use" nature of the block in close proximity to the subject property. However, the uses such as the Moravian School and churches are institutional or educational uses that are permitted in an RT-District. Moreover, it is improper to consider the few other nonconforming commercial uses in the surrounding properties as support for the Zoning Amendment. In Re Fayette, supra.

Furthermore, there were several remarks by the City Councilmen who voted in favor of the Zoning Amendment that there was no clear demarcation as to where the commercial district ends and where the residential district begins in the area around the subject property. However, the fact that a commercial district is in close proximity to the subject property is of no consequence here because “[t]he line of demarcation must be fixed somewhere.” In Re Fayette County, supra at 1346 quoting DiSanto v. Zoning Board of Adjustment, 189 A.2d 135, 137 (Pa. 1963). Simply because a piece of property borders property zoned commercial does not mean it automatically can be rezoned commercial. In Re Fayette County, supra at 1346.

The court in In Re Fayette County provided the relevant factors to be considered for illegal spot zoning including the physical aspect and character of the land, how the rezoning affects the public health, safety, morals and general welfare of the community, and how the rezoning relates to the applicable comprehensive plan. Id. at 1344 (citation omitted).

In the present matter, the current record with respect to the Zoning Amendment is completely barren of how the rezoning impacts the public health, safety, morals and general welfare of the community as a whole. On the contrary, the Pennsylvania Commonwealth Court on two occasions has concluded that there is no good reason that the house at 2 West Market Street cannot still be used as a residence including a multi-family residence under the current Zoning Ordinance. See May 22, 2018 Commonwealth Court Opinion at 18-19 – Exhibit 2.

In addition, the proposed Zoning Amendment violates the Bethlehem Comprehensive Plan (“BCP”) in numerous respects. Specifically, Councilman Reynolds indicated that if property owners in residential districts in the City of Bethlehem do not like mixed use commercial properties interspersed in their residential neighborhood that they can move to the outlying townships and more rural areas. However, this sciolistic comment completely contradicts the spirit and intent of the BCP. In particular, in the Smart Growth Section of the BCP, there is a purpose to “create a range of housing opportunities and choices”. However, the Zoning Amendment diminishes the housing availability in the City of Bethlehem. In addition, the BCP aims to “foster distinctive, attractive communities with a strong sense of place”. However, the Amendment allows commercial intrusion which erodes neighborhoods and a sense of place. The BCP is geared to “preserve open space, farmland and natural beauty in critical environmental areas”. However, as Mr. Reynolds pointed out, the Zoning Amendment will push residents to live in the outlying townships and rural areas rather than living in residential districts in the City of Bethlehem that are subject to the random and unplanned commercial intrusion promoted by this Amendment. The Zoning Amendment further completely contradicts the modern trend of living in higher density urban areas in order to preserve open spaces and the natural environment. Accordingly, I respectfully submit that the proposed Zoning Amendment contravenes the BCP in numerous respects which makes it a prime target to a valid spot zoning challenge.

In the matter of Schneider v. Calabrese, 291 A.2d 326 (Pa. Commw. 1972), the Commonwealth Court held that an ordinance amendment which rezoned property located in a neighborhood utilized for low density residential purposes from low density residential to high density residential to allow a proposed six family unit townhouse constituted illegal spot zoning. In reaching this conclusion, the Court stated its reasons for finding spot zoning which are



applicable to the current circumstances. *Id.* at 332. For instance, the Court found it highly relevant that the property had been, and could in the future, be used as a one family residence. The proposed Ordinance had no measurable relation to public health, safety, morals, and general welfare. The proposed rezoning would be solely for the economic benefit of the lot owners and the Amendment failed to comport with the spirit and intent of the applicable Comprehensive Plan. *Id.*; see also *Schuback v. Zoning Bd. of Adjustment*, 270 A.2d 397 (Pa. 1970) (holding that rezoning of a lot zoned for R-4 to C-2 in order to permit the construction of a nursing home was illegal spot zoning).

Similarly, the record for 2 West Market Street reveals that the proposed Zoning Amendment solely benefits Morning Star Partners LLC, and has no clear viable relation to public health, safety, morals or general welfare. Moreover, the house at 2 West Market can still be used as a residence and the Zoning Amendment is short-sighted and egregiously violates the BCP. Accordingly, the proposed Amendment must be stricken as illegal spot zoning under the circumstances.

**B. DENIAL OF PROCEDURAL DUE PROCESS – PROPOSED “TEXT AMENDMENT” TO 1304.04 IS ACTUALLY A MAP CHANGE REQUIRING ADDITIONAL NOTICE**

Pennsylvania courts have held that where an ordinance amendment contains changes that are so comprehensive in nature as to result in a substantial change to the manner in which the tract of land is zoned in comparison to the surrounding tracts of land that were similarly zoned, then that ordinance will constitute a map change requiring proper notice pursuant to the MPC Section 10609. See *Embreeville Redevelopment L.P. v. The Board of Supervisors of West Bradford Twp.*, 134 A.3d 1122 (Pa.Comm.w. 2016); *Shaw v. Twp. of Upper St. Clair Zoning Hearing Board*, 71 A.3d 1103 (Pa.Comm.w. 2013).

In the present matter, Attorney Preston has asserted that at least eight (8) properties will be impacted by the Zoning Amendment. Furthermore, the Zoning Amendment introduces at least twelve (12) new commercial office uses as part of this new zoning scheme. By introducing these new commercial office uses within the RT and RG Districts, these changes are so substantial as compared to the other parcels in the RT/RG Districts that the Amendment will be deemed a map change requiring further notice under Section 10609. Accordingly, the Zoning Amendment will likely be stricken due to this procedural defect as a matter of law.

**C. THE ZONING AMENDMENT WILL BE STRICKEN DUE TO BEING UNCONSTITUTIONALLY VAGUE**

We have already witnessed the cumbersome and uneven application of the Zoning Amendment. In particular, Attorney Preston has said that eight (8) potential properties are impacted by the Zoning Amendment. However, Darlene Heller, the City Planner, has indicated in her December 3, 2018 Memorandum that none of these properties would be subject to the Zoning Amendment.

In Farley v. Zoning Hearing Board of Lower Merion Township, 636 A.2d 1232 (1994), the court described the standards applicable to a claim of vagueness in the following terms:

... an ordinance is unconstitutionally vague and violates due process when persons of common intelligence must guess at its meaning [citations omitted]. Vague ordinances 'proscribe activity in terms so ambiguous that reasonable people may differ as to what is actually prohibited,' and invite arbitrary and discriminatory enforcement because they do not set reasonably clear guidelines per law officials and courts. (citation omitted). Difficulty in establishing whether a situation falls within the penumbra of statutory language which is challenged as vague does not render the language unconstitutional unless it 'fails to convey sufficiently definite warning as to proscribed conduct when measured against common understanding and practices (citation omitted).

Id. at 636 A.2d 1239.

In the present case, we have an immediate discrepancy in the application of the Zoning Amendment where Attorney Preston says that his proposed eight (8) properties are impacted by the Amendment, however, the City Planner has a different view<sup>1</sup>. Specifically, Darlene Heller states in her Memorandum that a "single family dwelling is defined as being a detached unit". However, Section 1302.39 has three (3) separate categories for a single family dwelling including a single family detached dwelling, single family attached dwelling and a single family semi-detached dwelling. See Exhibit 12. Based upon the varying interpretations of the vague reference to single family dwelling, the impact of the proposed Zoning Amendment is ill-defined, and the vague language is subject to challenge.

As already demonstrated, the inconsistent and confusing application of the Zoning Amendment that exists on the record will subject it to being stricken as unconstitutionally vague. The vagueness of the current Zoning Amendment as worded is a byproduct of the fact that it was introduced by a self-interested landowner, and there has been a complete absence of serious planning or vetting by the City's Department of Planning. See Kendree v. Whitemarsh Township, 81 Montg.Co.L.R. 350 (1962) (amendment deemed invalid when there was no evidence of any planning in connection with the rezoning); Neshaminy School District v. Middletown Twp., 44 Bucks.Co.L.Rep. 173 (1984) (rezoned ordinance deemed invalid as special legislation that reflected no logical planning scheme and only benefitted the owner).

In the present matter, Darlene Heller sent an Interoffice Memo to the Bethlehem Planning Commission dated November 2, 2018. In her memo she states that "[i]t is unclear which or how many properties would be affected by this text amendment in the future." She concludes ... "the end result of the amendment is unclear." Furthermore, the Planning Commission deadlocked with a 2-2 vote where the members of the Commission who voted against the Zoning

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<sup>1</sup> If Darlene Heller's analysis is accurate that none of the 8 properties qualify under the Zoning Amendment, her findings clearly solidify that the Zoning Amendment is a textbook example of spot zoning.

Amendment voiced their serious concerns over the unknown and potential negative consequences in approving the Amendment. Due to this poor draftsmanship and uncertain impact, there is an inability to determine exactly what the regulation is supposed to accomplish on a citywide basis, and what the public welfare purpose of the Zoning Amendment is. Accordingly, the Zoning Amendment in its present form will be stricken on the basis of unconstitutional vagueness and ambiguity.

D. THE ZONING AMENDMENT IS INVALID ON THE GROUNDS THAT IT IS IRRATIONAL, DISCRIMINATORY AND VIOLATES SUBSTANTIVE DUE PROCESS

In the present case, the proposed Zoning Amendment violates substantive due process because it has no rational relationship to the corner store ordinance, 1304.04, the application of the Amendment will have a discriminatory impact upon those landowners not located at corner properties and it violates Section 1323 of the Zoning Ordinance for non-conforming properties.

Recognizing that under the traditional standard applied when determining the validity of zoning ordinances, a zoning ordinance must be presumed constitutionally valid unless a challenging party shows that it is unreasonable, arbitrary or not substantially related to the police power interests that the ordinance purports to serve. In Re Realen Valley Forge Greenes Associates, 838 A.2d 718, 728 (Pa. 2003). The courts in Pennsylvania have held as follows:

[a]mong other reasons, an ordinance will be found to be unreasonable and not substantially related to a police power purpose if it is shown to be unduly restrictive or exclusionary . . . Similarly, an ordinance will be deemed to be arbitrary where it is shown that it results in disparate treatment of similar landowners without a reasonable basis for such disparate treatment . . . Moreover, in reviewing an ordinance to determine its validity, courts must generally employ a substantive due process inquiry, involving a balancing of landowners' rights against the public interests sought to be protected by an exercise of police power.

C&M Developers, Inc. v. Bedminster Tp. Zoning Hearing Bd., 820 A.2d 143, 150-51 (Pa. 2002).

In the present matter, the proposed Zoning Ordinance has no rational relationship whatsoever to the corner store provision 1304.04. On the contrary, Section 1304.04 pertains to those corner properties that have an existing store front character and other unique architectural characteristics. Moreover, the purpose of the 1304.04 provision was to reuse corner store properties for former small scale commercial uses. In comparison, the Zoning Amendment introduces completely new commercial office uses that are currently banned in RT and RG residential districts. The fact that the proposed Zoning Amendment for 2 W. Market Street has been randomly tacked onto this corner store provision is arbitrary, unreasonable and will be stricken as facially invalid as a matter of law.

Furthermore, the proposed Ordinance is unreasonable, arbitrary and has a disparate impact upon property owners who have a single family dwelling and a commercial use, but the

parcel is not on a corner. In this regard, it is unreasonable and arbitrary to discriminate against property owners that meet the criteria under the Zoning Amendment, but the property just happens to be located in the middle of the block or not on the corner.

Finally, the Zoning Amendment is unreasonable and not substantially related to any police powers since it completely undermines the purpose of Article 1323 of the Zoning Ordinance governing non-conformities. See Beth.Z.O. 1323.01 et seq. Section 1323 is designed to regulate non-conformities with the objective of returning non-conforming uses back to conforming uses upon abandonment or when applicable.

In the present matter, the Zoning Ordinance has the adverse consequence of allowing non-conforming commercial uses to not only exist, but to proliferate at random corner properties if the criteria is met. Thus, the Zoning Amendment flies in the face of Section 1323, and is a huge step backwards and serves no salutary public purpose turning back years of hard work and substantial investment in converting commercial bed and breakfasts, personal care homes, multi-family dwellings and other non-conforming properties into conforming residential uses. Accordingly, the proposed Amendment will be stricken on substantive due process grounds due to the fact that the current text of the Zoning Amendment is unreasonable, arbitrary and has a discriminatory impact as a matter of law.

**E. A FEW FINAL THOUGHTS**

The Objectors/Appellants who I represent respectfully submit that the proposed Zoning Amendment for 2 West Market Street will be highly susceptible to a successful legal challenge due its numerous procedural and substantive legal infirmities. It is quite clear that the scope of the defects in the proposed Zoning Amendment is more far reaching than the narrow issue of spot zoning. In this regard, it is respectfully requested that the complete picture of the legal shortcomings of the Zoning Amendment be communicated to the members of City Council prior to their second vote.

I remain available to discuss these issues at your convenience.

Very truly yours,

  
Timothy T. Stevens

# EXHIBIT "7"

# CITY OF BETHLEHEM

## Department of Community and Economic Development

### Interoffice Memo

**TO:** Dr. Paige Van Wirt, Member of Council  
**FROM:** Darlene L. Heller, Director of Planning and Zoning  
**RE:** Corner Lot Amendment

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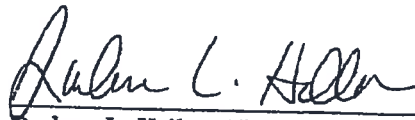
In response to your memo of December 11, the Department of Community and Economic Development coordinated with the Information Technology (IT) Bureau to develop the attached spreadsheet and map. As with any request, the information is only as accurate as the data located in the system. The City continues to review a significant number of properties in an attempt to ensure an accurate data base of information for all units and parcels. Therefore, although the information that we are providing is the most accurate and the most current data available at this time, we recognize that there are probably errors within the data.

Following a considerable amount of staff time and resources, we are attaching a database spreadsheet and a corresponding map of the most accurate information available for your reference.

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**CC:** City Council members  
Mayor Donchez  
Alicia Karner  
Eric Evans  
J. Spirk  
W. Leeson

**DATE:** December 17, 2018



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Darlene L. Heller, AICP  
Director of Planning and Zoning



201-000170	725 BROADWAY	1	725 BROADWAY	2624015.156	472460.9477	RT	Commercial - Retail
201-000170	725 BROADWAY	2	505 FIOT ST FL 2	2624015.156	472460.9477	RT	Residential - Rental Unit
201-000172	805 BROADWAY		805 BROADWAY	2623801.435	472386.9538	RT	Commercial - Retail
201-000173	819 BROADWAY		819 BROADWAY	2623829.699	472286.9248	RT	Commercial - Service
201-000198	646 BROADWAY		646 BROADWAY	2624295.354	472612.0626	RT	None - Usage Defined at Unit
201-000198	646 BROADWAY	1C	646 BROADWAY FL 1	2624295.354	472612.0626	RT	Commercial - Service
201-000199	702-704 BROADWAY	2R	646 BROADWAY FL 2	2624232.325	472545.5275	RT	Residential - Rental Unit
201-000199	702-704 BROADWAY	1	702-704 BROADWAY	2624232.325	472545.5275	RT	None - Usage Defined at Unit
201-000199	702-704 BROADWAY	2F	702-704 BROADWAY FL 2F	2624232.325	472545.5275	RT	Commercial - Bar/Tavern
201-000199	702-704 BROADWAY	2R	702-704 BROADWAY FL 2R	2624232.325	472545.5275	RT	Residential - Rental Unit
201-000689	523-525 ONTARIO ST		702-704 BROADWAY FL 2F	2624765.277	472769.3628	RT	Residential - Rental Unit
201-000689	523-525 ONTARIO ST	2	523-525 ONTARIO ST	2624765.277	472769.3628	RT	None - Usage Defined at Unit
201-000689	523-525 ONTARIO ST	523	523 ONTARIO ST FL 2	2624765.277	472769.3628	RT	Residential - Rental Unit
201-000963	416 WYANDOTTE ST		523 ONTARIO ST	2624987.5	473823.4374	RT	Commercial - Service
202-001203	417 CARLTON AVE		416 WYANDOTTE ST	2625334.917	473451.5205	RT	Commercial - Office
202-001203	417 CARLTON AVE	KIT	417 CARLTON AVE	2625334.917	473451.5205	RT	Residential - Owner Occupied
202-001673	701-703 WYANDOTTE ST		417 CARLTON AVE	2625164.859	472138.6777	RT	None - Accessory Use Kitchen
202-001673	701-703 WYANDOTTE ST	1	701-703 WYANDOTTE ST	2625164.859	472138.6777	RT	None - Usage Defined at Unit
202-001673	701-703 WYANDOTTE ST	2	701 WYANDOTTE ST FL 1	2625164.859	472138.6777	RT	Commercial - Bar/Tavern
202-023614	444 MONTCLAIR AVE		701 WYANDOTTE ST FL 2	2625164.859	472138.6777	RT	Residential - Rental Unit
202-023614	444 MONTCLAIR AVE	KIT	444 MONTCLAIR AVE	2625530.375	473466.365	RT	School - Daycare
203-001807	321 E PACKER AVE		444 MONTCLAIR AVE	2625530.375	473466.365	RT	None - Accessory Use Kitchen
204-001952	602 ATLANTIC ST		321 E PACKER AVE	2628216.893	473466.7292	RT	School - University/College
204-001952	602 ATLANTIC ST	1C	602 ATLANTIC ST	2629940.341	473433.5636	RT	None - Usage Defined at Unit
204-001952	602 ATLANTIC ST	2	602 ATLANTIC ST	2629940.341	473433.5636	RT	Commercial - Retail
204-001952	602 ATLANTIC ST	3	752 E 6TH ST UNIT 2	2629940.341	473433.5636	RT	Residential - Rental Unit
204-002066	416 E 5TH ST		752 E 6TH ST UNIT 3	2629940.341	473433.5636	RT	Residential - Rental Unit
204-002066	416 E 5TH ST		416 E 5TH ST	2628514.707	473691.4039	RT	School - University/College
204-002066	416 E 5TH ST	1C	432 E 5TH ST	2628684.75	473673.0624	RT	Residential - Rental Unit
204-002096	708-710 E 5TH ST		432 E 5TH ST	2628684.75	473673.0624	RT	Residential - Rental Unit
204-002096	708-710 E 5TH ST	708	708-710 E 5TH ST	2629520.382	473754.3503	RT	Commercial - Restaurant
204-002096	708-710 E 5TH ST	710	708 E 5TH ST	2629520.382	473754.3503	RT	None - Usage Defined at Unit
204-002102	724-726 5TH ST		710 E 5TH ST	2629520.382	473754.3503	RT	Commercial - Retail
204-002102	724-726 5TH ST	1COM	724-726 5TH ST	2629693.541	473771.2023	RT	Residential - Owner Occupied
204-002102	724-726 5TH ST	2	724 5TH ST	2629693.541	473771.2023	RT	None - Usage Defined at Unit
204-002102	724-726 5TH ST		724 5TH ST FL 2	2629693.541	473771.2023	RT	Commercial - Auto Sale/Service
204-002340	613 HILLSIDE AVE		613 HILLSIDE AVE	2629693.541	473771.2023	RT	Residential - Rental Unit
204-002504	608 PIERCE ST		608 PIERCE ST	2629164.11	473046.0633	RT	Commercial - Auto Sale/Service
204-002526	617 PIERCE ST		608 PIERCE ST	2629076.114	473485.4306	RT	Commercial - Bar/Tavern
204-002526	617 PIERCE ST	KIT	617 PIERCE ST	2629369.42	473455.369	RT	Commercial - Office
204-002596	702 E 6TH ST		617 PIERCE ST	2629369.42	473455.369	RT	Non-Profit - Religious Org
204-002596	702 E 6TH ST	100	702 E 6TH ST	2629538.477	473406.8907	RT	None - Accessory Use Kitchen
204-002596	702 E 6TH ST	702	702 E 6TH ST STE 100	2629538.477	473406.8907	RT	None - Usage Defined at Unit
204-002596	702 E 6TH ST	704	702 E 6TH ST	2629538.477	473406.8907	RT	Commercial - Office
204-002598	710 E 6TH ST		704 E 6TH ST	2629538.477	473406.8907	RT	Residential - Boarding House
204-002598	710 E 6TH ST	1	710 E 6TH ST	2629634.74	473407.6788	RT	Commercial - Service
204-002670	506-512 THOMAS ST		710 E 6TH ST FL 1	2629634.74	473407.6788	RT	None - Usage Defined at Unit
204-002670	506-512 THOMAS ST	1	506-512 THOMAS ST	2629634.74	473407.6788	RT	Medical - Medical Office
204-002670	506-512 THOMAS ST	101	710 E 6TH ST FL 2	2629634.74	473407.6788	RT	Residential - Rental Unit
204-002670	506-512 THOMAS ST	201	506-512 THOMAS ST	2629634.74	473407.6788	RT	None - Usage Defined at Unit
204-002670	506-512 THOMAS ST	202	506 THOMAS ST UNIT 101	2629193.08	473104.2755	RT	Commercial - Office
204-002670	506-512 THOMAS ST	2301	508 THOMAS ST UNIT 201	2629193.08	473104.2755	RT	Residential - Owner Occupied
204-002670	506-512 THOMAS ST	2302	508 THOMAS ST UNIT 202	2629193.08	473104.2755	RT	Residential - Regulated Rental
204-002670	506-512 THOMAS ST	301	512 THOMAS ST UNIT 301	2629193.08	473104.2755	RT	Residential - Regulated Rental
204-002670	506-512 THOMAS ST	302	512 THOMAS ST UNIT 302	2629193.08	473104.2755	RT	Residential - Regulated Rental
204-002670	506-512 THOMAS ST	302	510 THOMAS ST UNIT 301	2629193.08	473104.2755	RT	Residential - Regulated Rental
204-002670	506-512 THOMAS ST		510 THOMAS ST UNIT 302	2629193.08	473104.2755	RT	Residential - Regulated Rental



204-002670	506-512 THOMAS ST	6201	506 THOMAS ST UNIT 201	2629193.08	473104.2755	RT	Residential - Regulated Rental
204-002670	506-512 THOMAS ST	6202	506 THOMAS ST UNIT 202	2629193.08	473104.2755	RT	Residential - Regulated Rental
204-002670	506-512 THOMAS ST	6301	506 THOMAS ST UNIT 301	2629193.08	473104.2755	RT	Residential - Regulated Rental
204-002670	506-512 THOMAS ST	6302	506 THOMAS ST UNIT 302	2629193.08	473104.2755	RT	Residential - Regulated Rental
205-002759	902 EVANS ST	1	902 EVANS ST	2630264.402	474602.7269	RT	None - Usage Defined at Unit
205-002759	902 EVANS ST	2	902 EVANS ST	2630264.402	474602.7269	RT	Residential - Owner Occupied
205-002774	946 EVANS ST	1C	946 EVANS ST	2630750.25	474701.4688	RT	Commercial - Restaurant
205-002792	901-903 EVANS ST		901-903 EVANS ST	2630750.25	474701.4688	RT	Commercial - Restaurant
205-002805	802-804 E 5TH ST		802-804 E 5TH ST	2630280.435	474741.5137	RT	Commercial - Service
205-002805	802-804 E 5TH ST	1	802-804 E 5TH ST FL 1	2630005.89	473793.3141	RT	None - Usage Defined at Unit
205-002805	802-804 E 5TH ST	2	802-804 E 5TH ST FL 2	2630005.89	473793.3141	RT	Commercial - Retail
205-002818	836 E 5TH ST		836 E 5TH ST	2630279.247	473799.8	RT	None - Usage Defined at Unit
205-002818	836 E 5TH ST	1C	836 E 5TH ST	2630279.247	473799.8	RT	Commercial - Retail
205-002818	836 E 5TH ST	2	836 E 5TH ST FL 2	2630279.247	473799.8	RT	Residential - Rental Unit
205-002818	836 E 5TH ST	502	502 HAYES ST FL 1	2630279.247	473799.8	RT	Residential - Owner Occupied
205-002947	1041 E 4TH ST		1041 E 4TH ST	2631144.021	474422.5599	RT	None - Usage Defined at Unit
205-002947	1041 E 4TH ST	1	1041 E 4TH ST FL 1	2631144.021	474422.5599	RT	Commercial - Restaurant
205-002947	1041 E 4TH ST	2	1041 E 4TH ST FL 2	2631144.021	474422.5599	RT	Residential - Boarding House
205-002947	1041 E 4TH ST	3E	1041 E 4TH ST FL 3E	2631144.021	474422.5599	RT	Residential - Rental Unit
205-002947	1041 E 4TH ST	3R	1041 E 4TH ST FL 3R	2631144.021	474422.5599	RT	Residential - Rental Unit
205-002947	1041 E 4TH ST	3W	1041 E 4TH ST FL 3W	2631144.021	474422.5599	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST		1101-1111 E 4TH ST	2631215.048	474431.5688	RT	None - Usage Defined at Unit
205-002948	1101-1111 E 4TH ST	2-Jan	1101 E 4TH ST FL 2	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	3-Jan	1101 E 4TH ST FL 3	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	O1C	1101 E 4TH ST FL 1	2631215.048	474431.5688	RT	Commercial - Service
205-002948	1101-1111 E 4TH ST	2-Mar	1103 E 4TH ST FL 2	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	3-Mar	1103 E 4TH ST FL 3	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	1-May	1105 E 4TH ST FL 1	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	2-May	1105 E 4TH ST FL 2	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	3-May	1105 E 4TH ST FL 3	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	1-Jul	1107 E 4TH ST FL 1	2631215.048	474431.5688	RT	Res/Comm - Storage (Acc)
205-002948	1101-1111 E 4TH ST	2-Jul	1107 E 4TH ST FL 2	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	3-Jul	1107 E 4TH ST FL 3	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	1-Sep	1109 E 4TH ST FL 1	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	2-Sep	1109 E 4TH ST FL 2	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	3-Sep	1109 E 4TH ST FL 3	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	1-Nov	1111 E 4TH ST FL 1	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002948	1101-1111 E 4TH ST	2-Nov	1111 E 4TH ST FL 2	2631215.048	474431.5688	RT	Residential - Rental Unit
205-002957	1137 E 4TH ST		1137 E 4TH ST	2631607.414	474515.817	RT	Commercial - Retail
205-002971	1171 E 4TH ST		1171 E 4TH ST	2631885.729	474522.0207	RT	Commercial - Service
205-002978	1187 E 4TH ST		1187 E 4TH ST	2632022.208	474530.75	RT	Commercial - Retail
205-002978	1187 E 4TH ST	1C	1187 E 4TH ST	2632022.208	474530.75	RT	Commercial - Retail
205-003024	538 HAYES ST		538 HAYES ST	2630289.75	473527.0939	RT	None - Usage Defined at Unit
205-003024	538 HAYES ST	1	538 HAYES ST FL 1	2630289.75	473527.0939	RT	Commercial - Retail
205-003024	538 HAYES ST	2	538 HAYES ST FL 2	2630289.75	473527.0939	RT	Commercial - Retail
205-003129	324 HILL ST		324 HILL ST	2631125.403	474684.5607	RT	Industrial - Warehousing
205-003137	300 HOBART ST		300 HOBART ST	2632000.865	474942.3912	RT	None - Usage Defined at Unit
205-003137	300 HOBART ST	1	300 HOBART ST FL 1	2632000.865	474942.3912	RT	Residential - Rental Unit
205-003137	300 HOBART ST	2	300 HOBART ST FL 2	2632000.865	474942.3912	RT	Commercial - Retail
205-003146	309 HOBART ST		309 HOBART ST	2632082.5	474858.0623	RT	Commercial - Service
205-003277	1139-1141 MECHANIC ST		1139-1141 MECHANIC ST	2631608.484	474650.1087	RT	Commercial - Auto Sale/Service
205-003558	1018 E 3RD ST		1018 E 3RD ST	2630887.75	474865.4688	RT	None - Usage Defined at Unit
205-003558	1018 E 3RD ST	COMM	1018 E 3RD ST FL 1	2630887.75	474865.4688	RT	Commercial - Retail

205-003615	1053 E 3RD ST	1053 E 3RD ST	2631166.282	474962.6688	RT	Commercial - Restaurant
205-003649	1175-1177 E 3RD ST	1175-1177 E 3RD ST	2631943.52	475028.3025	RT	None - Usage Defined at Unit
205-003649	1175-1177 E 3RD ST	1175 E 3RD ST	2631943.52	475028.3025	RT	Commercial - Office
205-062605	1135 E 4TH ST	1135 E 4TH ST	2631574.771	474481.9479	RT	Non-Profit - Charitable Org
206-003688	458 CENTER ST	458 CENTER ST	2627699.625	477731.531	RT	Commercial - Service
206-003827	18 E MARKET ST	18 E MARKET ST	2628969.925	477769.3246	RT	None - Usage Defined at Unit
206-003827	18 E MARKET ST	18 REAR E MARKET ST FL 1	2626969.925	477769.3246	RT	Residential - Rental Unit
206-003827	18 E MARKET ST	18 E MARKET ST FL 2 FRONT	2626969.925	477769.3246	RT	Residential - Rental Unit
206-003827	18 E MARKET ST	18 REAR E MARKET ST FL 2	2626969.925	477769.3246	RT	Residential - Rental Unit
206-003834	72 E MARKET ST	18 E MARKET ST COMM	2626969.925	477769.3246	RT	Commercial - Office
206-003839	204 E MARKET ST	72 E MARKET ST	2627513	477707.3126	RT	Commercial - Hotel/Motel
206-003839	204 E MARKET ST	204 E MARKET ST	2628294.75	477732.8748	RT	None - Usage Defined at Unit
206-003839	204 E MARKET ST	204 E MARKET ST UNIT 1	2628294.75	477732.8748	RT	Medical - Medical Office
206-003839	204 E MARKET ST	204 E MARKET ST UNIT 2 REAR	2628294.75	477732.8748	RT	Residential - Rental Unit
206-003839	204 E MARKET ST	204 E MARKET ST UNIT 3	2628294.75	477732.8748	RT	Residential - Rental Unit
206-003839	204 E MARKET ST	204 E MARKET ST UNIT 4	2628294.75	477732.8748	RT	Residential - Rental Unit
206-003839	204 E MARKET ST	204 E MARKET ST UNIT 5	2628294.75	477732.8748	RT	Residential - Rental Unit
206-003839	204 E MARKET ST	204 E MARKET ST UNIT 6	2628294.75	477732.8748	RT	Residential - Rental Unit
206-003850	310-316 E MARKET	310-316 E MARKET	2629076.602	477761.9811	RT	None - Usage Defined at Unit
206-003850	310-316 E MARKET	310-316 E MARKET	2629076.602	477761.9811	RT	Medical - Nursing Home
206-003868	402 N NEW ST	402 N NEW ST	2629076.602	477761.9811	RT	None - Accessory Use Kitchen
206-003868	402 N NEW ST	402 N NEW ST	2626818.925	477129.8583	RT	None - Usage Defined at Unit
206-003868	402 N NEW ST	1 E CHURCH ST	2626818.925	477129.8583	RT	Commercial - Retail
206-003868	402 N NEW ST	7 E CHURCH ST	2626818.925	477129.8583	RT	Commercial - Office
206-003868	402 N NEW ST	402 N NEW ST FL 1	2626818.925	477129.8583	RT	Commercial - Retail
206-003868	402 N NEW ST	402 N NEW ST FL 2	2626818.925	477129.8583	RT	Residential - Rental Unit
207-004257	500 LINDEN ST	500 LINDEN ST	2629066.333	477948.8925	RT	None - Usage Defined at Unit
207-004257	500 LINDEN ST	500 LINDEN ST APT 1	2629066.333	477948.8925	RT	Residential - Rental Unit
207-004257	500 LINDEN ST	500 LINDEN ST APT 2	2629066.333	477948.8925	RT	Residential - Rental Unit
207-004257	500 LINDEN ST	500 LINDEN ST APT 3	2629066.333	477948.8925	RT	Residential - Rental Unit
207-004257	500 LINDEN ST	500 LINDEN ST COMM	2629066.333	477948.8925	RT	Residential - Rental Unit
207-004281	518-522 LONG ST	518-522 LONG ST	2627033.635	478023.6193	RT	Commercial - Service
207-004281	518-522 LONG ST	518 LONG ST FL 1	2627033.635	478023.6193	RT	None - Usage Defined at Unit
207-004281	518-522 LONG ST	518 LONG ST FL 2	2627033.635	478023.6193	RT	Commercial - Retail
207-004281	518-522 LONG ST	520 LONG ST FL 2	2627033.635	478023.6193	RT	Residential - Rental Unit
207-004281	518-522 LONG ST	522 LONG ST FL 1	2627033.635	478023.6193	RT	Residential - Rental Unit
207-004397	14 W MARKET ST	14 W MARKET ST	2626596.257	477869.0265	RT	Commercial - Service
207-004399	2 W MARKET ST & 511-515 N NEW ST	2 W MARKET ST & 511-515 N NEW ST	2626681.007	477874.0583	RT	None - Usage Defined at Unit
207-004399	2 W MARKET ST & 511-515 N NEW ST	2 W MARKET ST	2626681.007	477874.0583	RT	Commercial - Office
207-004399	2 W MARKET ST & 511-515 N NEW ST	515 N NEW ST FL 2	2626681.007	477874.0583	RT	Residential - Rental Unit
207-004399	2 W MARKET ST & 511-515 N NEW ST	2 W MARKET ST REAR	2626681.007	477874.0583	RT	Residential - Rental Unit
207-004399	2 W MARKET ST & 511-515 N NEW ST	511 N NEW ST	2626681.007	477874.0583	RT	Commercial - Retail
207-004399	2 W MARKET ST & 511-515 N NEW ST	513 N NEW ST	2626681.007	477874.0583	RT	Commercial - Retail
207-004426	520 N NEW ST	520 N NEW ST	2626810.868	478005.9688	RT	None - Usage Defined at Unit
207-004426	520 N NEW ST	520 N NEW ST	2626810.868	478005.9688	RT	Commercial - Office
207-004426	520 N NEW ST	520 N NEW ST	2626810.868	478005.9688	RT	Commercial - Office
207-004426	520 N NEW ST	520 N NEW ST UNIT 3A	2626810.868	478005.9688	RT	Residential - Rental Unit
207-004426	520 N NEW ST	520 N NEW ST UNIT 3B	2626810.868	478005.9688	RT	Residential - Rental Unit
207-004469	54 E NORTH ST	54 E NORTH ST FL 1	2627342.5	478820.3444	RT	None - Usage Defined at Unit
207-004469	54 E NORTH ST	54 E NORTH ST FL 2	2627342.5	478820.3444	RT	Residential - Rental Unit
207-004469	54 E NORTH ST	629 SCHOOL ST	2627342.5	478820.3444	RT	Residential - Rental Unit
207-004470	60 - 64 E NORTH ST	60 - 64 E NORTH ST	2627411.183	478821.8464	RT	Commercial - Service
207-004470	60 - 64 E NORTH ST	60 E NORTH ST UNIT 1	2627411.183	478821.8464	RT	None - Usage Defined at Unit
207-004470	60 - 64 E NORTH ST	60 E NORTH ST UNIT 2	2627411.183	478821.8464	RT	Commercial - Office
207-004470	60 - 64 E NORTH ST	64 E NORTH ST APT A1	2627411.183	478821.8464	RT	Commercial - Retail
207-004470	60 - 64 E NORTH ST	62 E NORTH ST APT B2	2627411.183	478821.8464	RT	Residential - Rental Unit

207-004470	60 - 64 E NORTH ST	B3	62 E NORTH ST APT B3	2627411.183	478821.8464	RT	Residential - Rental Unit
207-004470	60 - 64 E NORTH ST	C4	60 E NORTH ST APT C4	2627411.183	478821.8464	RT	Residential - Rental Unit
207-004470	60 - 64 E NORTH ST	C5	60 E NORTH ST APT C5	2627411.183	478821.8464	RT	Residential - Rental Unit
207-004470	60 - 64 E NORTH ST	C6	60 E NORTH ST APT C6	2627411.183	478821.8464	RT	Residential - Rental Unit
208-004684	114 W FAIRVIEW ST		114 W FAIRVIEW ST	2625623.75	480398.5335	RT	None - Usage Defined at Unit
208-004684	114 W FAIRVIEW ST	1C	114 W FAIRVIEW ST	2625623.75	480398.5335	RT	Commercial - Restaurant
208-004684	114 W FAIRVIEW ST	2	114 W FAIRVIEW ST FL 2	2625623.75	480398.5335	RT	Residential - Rental Unit
208-004684	114 W FAIRVIEW ST	3	114 W FAIRVIEW ST FL 3	2625623.75	480398.5335	RT	Residential - Rental Unit
208-004782	119 W FRANKFORD ST		119 W FRANKFORD ST	2625575.647	480545.3476	RT	None - Usage Defined at Unit
208-004782	119 W FRANKFORD ST	117-2	117 W FRANKFORD ST	2625575.647	480545.3476	RT	Commercial - Office
208-004782	119 W FRANKFORD ST	17-2	117 W FRANKFORD FL 2N	2625575.647	480545.3476	RT	Residential - Rental Unit
208-004782	119 W FRANKFORD ST	19-2	119 W FRANKFORD FL 2S	2625575.647	480545.3476	RT	Residential - Rental Unit
208-004782	119 W FRANKFORD ST	7-2S	117 W FRANKFORD FL 2S	2625575.647	480545.3476	RT	Residential - Rental Unit
208-004782	119 W FRANKFORD ST	9-2S	119 W FRANKFORD FL 2S	2625575.647	480545.3476	RT	Residential - Rental Unit
208-004814	10-16 W GOEPP ST		10-16 W GOEPP ST	2626607.197	479866.6517	RT	None - Usage Defined at Unit
208-004814	10-16 W GOEPP ST	1-Oct	10 W GOEPP ST APT 1	2626607.197	479866.6517	RT	Residential - Rental Unit
208-004814	10-16 W GOEPP ST	1-Dec	12 W GOEPP ST APT 1	2626607.197	479866.6517	RT	Residential - Rental Unit
208-004814	10-16 W GOEPP ST	12-C	12 W GOEPP ST COMM	2626607.197	479866.6517	RT	Residential - Rental Unit
208-004814	10-16 W GOEPP ST	14-1	14 W GOEPP ST APT 1	2626607.197	479866.6517	RT	Industrial - Manufacturing
208-004814	10-16 W GOEPP ST	16	16 W GOEPP ST COMM	2626607.197	479866.6517	RT	Residential - Rental Unit
208-004815	18-20 W GOEPP ST		18-20 W GOEPP ST	2626510.583	479872.7282	RT	Commercial - Retail
208-004815	18-20 W GOEPP ST	1	18 W GOEPP ST APT 1	2626510.583	479872.7282	RT	None - Usage Defined at Unit
208-004815	18-20 W GOEPP ST	18	18 W GOEPP ST COMM	2626510.583	479872.7282	RT	Residential - Rental Unit
208-004815	18-20 W GOEPP ST	2	18 W GOEPP ST APT 2	2626510.583	479872.7282	RT	Commercial - Office
208-004815	18-20 W GOEPP ST	3	18 W GOEPP ST APT 3	2626510.583	479872.7282	RT	Residential - Rental Unit
208-004815	18-20 W GOEPP ST	4	18 W GOEPP ST APT 4	2626510.583	479872.7282	RT	Residential - Rental Unit
208-004815	18-20 W GOEPP ST	5	18 W GOEPP ST APT 5	2626510.583	479872.7282	RT	Residential - Rental Unit
208-004815	18-20 W GOEPP ST	6	18 W GOEPP ST APT 6	2626510.583	479872.7282	RT	Residential - Rental Unit
208-004815	18-20 W GOEPP ST	7	18 W GOEPP ST APT 7	2626510.583	479872.7282	RT	Residential - Rental Unit
208-004832	130 W GOEPP ST		130 W GOEPP ST	2624339.507	479918.6215	RT	Commercial - Service
208-004850	63 W GOEPP ST		63 W GOEPP ST	2626144.75	479754.6874	RT	None - Usage Defined at Unit
208-004850	63 W GOEPP ST	1	63 W GOEPP ST UNIT 1	2626144.75	479754.6874	RT	Residential - Owner Occupied
208-004850	63 W GOEPP ST	1C	63 W GOEPP ST COMM	2626144.75	479754.6874	RT	Commercial - Service
208-004850	63 W GOEPP ST	2	63 W GOEPP ST UNIT 2	2626144.75	479754.6874	RT	Commercial - Retail
208-004993	810 MAIN ST		810 MAIN ST	2625914.75	479525.0625	RT	Residential - Rental Unit
208-004994	822-824 MAIN ST		822-824 MAIN ST	2625838.417	479639.8228	RT	None - Usage Defined at Unit
208-004994	822-824 MAIN ST	822	822-824 MAIN ST	2625838.417	479639.8228	RT	Commercial - Restaurant
208-004994	822-824 MAIN ST	FL2	822 MAIN ST FL 2	2625838.417	479639.8228	RT	Residential - Rental Unit
208-005000	902 MAIN ST		902 MAIN ST	2625897.25	479872.3125	RT	None - Usage Defined at Unit
208-005000	902 MAIN ST	1	902 MAIN ST FRONT	2625897.25	479872.3125	RT	Residential - Rental Unit
208-005000	902 MAIN ST	2	902 MAIN ST REAR	2625897.25	479872.3125	RT	Residential - Rental Unit
208-005000	902 MAIN ST	COMM	902 MAIN ST FL 1	2625897.25	479872.3125	RT	Commercial - Bar/Tavern
208-005001	904 MAIN ST		904 MAIN ST	2625863.037	479897.1625	RT	Commercial - Restaurant
208-005008	1022 1024 MAIN ST		1022 1024 MAIN ST	2625883.886	480601.5036	RT	None - Usage Defined at Unit
208-005008	1022 1024 MAIN ST	1022	1022 MAIN ST FL 1	2625883.886	480601.5036	RT	Commercial - Retail
208-005008	1022 1024 MAIN ST	1024	1024 MAIN ST	2625883.886	480601.5036	RT	Residential - Rental Unit
208-005008	1022 1024 MAIN ST	22-2	1022 MAIN ST FL 2	2625883.886	480601.5036	RT	Residential - Rental Unit
208-005045	825 MAIN ST		825 MAIN ST	2625712	479681.9687	RT	None - Usage Defined at Unit
208-005045	825 MAIN ST	1	825 MAIN ST FL 1	2625712	479681.9687	RT	Commercial - Service
208-005045	825 MAIN ST	2	825 MAIN ST FL 2	2625712	479681.9687	RT	Residential - Rental Unit
208-005049	831-835 MAIN ST		831-835 MAIN ST	2625696.375	479740.9584	RT	None - Usage Defined at Unit
208-005049	831-835 MAIN ST	831	831 MAIN ST	2625696.375	479740.9584	RT	Residential - Rental Unit
208-005049	831-835 MAIN ST	833	833 MAIN ST	2625696.375	479740.9584	RT	Residential - Rental Unit
208-005049	831-835 MAIN ST	835	835 MAIN ST	2625696.375	479740.9584	RT	Commercial - Retail
208-005074	1023 MAIN ST		1023 MAIN ST	2625718.396	480609.4052	RT	Commercial - Service
208-005074	1023 MAIN ST	1021	1021 MAIN ST	2625718.396	480609.4052	RT	None - Usage Defined at Unit
208-005074	1023 MAIN ST	1023	1023 MAIN ST	2625718.396	480609.4052	RT	Commercial - Service
208-005074	1023 MAIN ST		1023 MAIN ST	2625718.396	480609.4052	RT	None - Shared Unit at Sub Unit

208-005074	1023 MAIN ST	1025	1025 MAIN ST	2625718.396	480609.4052	RT	Commercial - Service
208-005074	1023 MAIN ST	1R	1021 MAIN ST UNIT 1RX	2625718.396	480609.4052	RT	Residential - Rental Unit
208-005074	1023 MAIN ST	2	1025 MAIN ST UNIT 2X	2625718.396	480609.4052	RT	Commercial - Retail
208-005074	1023 MAIN ST	2N	1023 MAIN ST APT 2N	2625718.396	480609.4052	RT	Residential - Rental Unit
208-005074	1023 MAIN ST	2R	1023 MAIN ST APT 2R	2625718.396	480609.4052	RT	Residential - Rental Unit
208-005074	1023 MAIN ST	2S	1023 MAIN ST APT 2S	2625718.396	480609.4052	RT	Residential - Rental Unit
208-005074	1023 MAIN ST	3N	1023 MAIN ST UNIT 3N	2625718.396	480609.4052	RT	Residential - Rental Unit
208-005074	1023 MAIN ST	3R	1023 MAIN ST APT 3R	2625718.396	480609.4052	RT	Residential - Rental Unit
208-005074	1023 MAIN ST	3S	1023 MAIN ST APT 3S	2625718.396	480609.4052	RT	Residential - Rental Unit
208-005077	1035-1037 MAIN ST	REAR	1023 MAIN ST REAR	2625705.696	480732.1267	RT	Residential - Rental Unit
208-005077	1035-1037 MAIN ST	1	1035 MAIN ST UNIT 1	2625705.696	480732.1267	RT	Residential - Rental Unit
208-005077	1035-1037 MAIN ST	1C	1037 MAIN ST	2625705.696	480732.1267	RT	None - Usage Defined at Unit
208-005141	901 N NEW ST	2	1035 MAIN ST UNIT 2	2626677	479868.7187	RT	Commercial - Restaurant
208-005141	901 N NEW ST	1C	901 N NEW ST	2626677	479868.7187	RT	None - Usage Defined at Unit
208-005141	901 N NEW ST	2	901 N NEW ST UNIT 1	2626677	479868.7187	RT	Commercial - Service
208-005141	901 N NEW ST	3	901 N NEW ST UNIT 2	2626677	479868.7187	RT	Commercial - Service
208-005155	941-945 N NEW ST	4113	941-945 N NEW ST	2626693.705	480274.2051	RT	Residential - Rental Unit
208-005155	941-945 N NEW ST	4123	941 N NEW ST UNIT 1-3	2626693.705	480274.2051	RT	None - Usage Defined at Unit
208-005155	941-945 N NEW ST	4312	941 N NEW ST UNIT 2-3	2626693.705	480274.2051	RT	Residential - Rental Unit
208-005155	941-945 N NEW ST	4322	943 N NEW ST UNIT 1-2	2626693.705	480274.2051	RT	Residential - Rental Unit
208-005155	941-945 N NEW ST	4511	943 N NEW ST UNIT 2-2	2626693.705	480274.2051	RT	Residential - Rental Unit
208-005155	941-945 N NEW ST	4521	945 N NEW ST UNIT 1-1	2626693.705	480274.2051	RT	Residential - Rental Unit
208-005155	941-945 N NEW ST	COMM	945 N NEW ST UNIT 2-1	2626693.705	480274.2051	RT	Residential - Rental Unit
208-005371	911 ORCHARD ST	1	911 ORCHARD ST	2625477.969	479982.455	RT	Commercial - Service
208-005371	81 E NORTH ST (EX)	KIT	81 E NORTH ST (EX)	2627497.479	478931.4479	RT	Commercial - Auto Sale/Service
208-005371	725 CENTER ST	1	81 E NORTH ST (EX)	2627497.479	478931.4479	RT	Non-Profit - Religious Org
208-005371	725 CENTER ST	1C	725 CENTER ST	2627543.625	479168.2499	RT	None - Accessory Use Kitchen
208-005371	725 CENTER ST	2F	725 CENTER ST	2627543.625	479168.2499	RT	None - Usage Defined at Unit
208-005391	901-903 CENTER ST	9011	901 CENTER ST FL 1	2627543.625	479168.2499	RT	Residential - Rental Unit
208-005391	901-903 CENTER ST	9012	725 CENTER ST FL 1	2627543.625	479168.2499	RT	Commercial - Service
208-005391	901-903 CENTER ST	9031	723 CENTER ST	2627543.625	479168.2499	RT	Residential - Rental Unit
208-005391	901-903 CENTER ST	9032	727 CENTER ST UNIT 2F	2627543.625	479168.2499	RT	Residential - Rental Unit
208-005391	901-903 CENTER ST	903R	727 CENTER ST UNIT 2R	2627526.736	479870.5766	RT	Residential - Rental Unit
208-005494	912 ELM ST	REAR	901-903 CENTER ST	2627526.736	479870.5766	RT	None - Usage Defined at Unit
208-005494	912 ELM ST	1	901 CENTER ST FL 1	2627526.736	479870.5766	RT	Commercial - Retail
208-005494	912 ELM ST	2F	69 E GOEPP ST	2627526.736	479870.5766	RT	Residential - Rental Unit
208-005494	912 ELM ST	2R	903 CENTER ST 1ST FL FRNT	2627526.736	479870.5766	RT	Residential - Rental Unit
208-005961	310-312 E GOEPP ST	508	903 CENTER ST 2ND FL	2627526.736	479870.5766	RT	Residential - Rental Unit
208-006073	702 HAWTHORNE RD	1	67 E GOEPP ST	2627526.736	479870.5766	RT	None - Usage Defined at Unit
208-006273	806 LINDEN ST	1	912 ELM ST	2630008.815	479978.7736	RT	Residential - Rental Unit
208-006273	806 LINDEN ST	2	912 ELM ST FL 1	2630008.815	479978.7736	RT	Residential - Rental Unit
208-006274	808 LINDEN ST	1	912 ELM ST FL 2	2630008.815	479978.7736	RT	Residential - Rental Unit
208-006274	808 LINDEN ST	2	508 PEMBROKE RD	2630008.815	479978.7736	RT	Commercial - Service
208-006282	832 LINDEN ST	1	310-312 E GOEPP ST	2630568.818	479786.6427	RT	Commercial - Restaurant
			702 HAWTHORNE RD	2630568.818	479786.6427	RT	Commercial - Restaurant
			702 HAWTHORNE RD	2629026.5	479490.8749	RT	None - Usage Defined at Unit
			806 LINDEN ST	2629026.5	479490.8749	RT	Commercial - Service
			806 LINDEN ST	2629026.5	479490.8749	RT	Residential - Owner Occupied
			808 LINDEN ST	2629026.5	479513.3126	RT	None - Usage Defined at Unit
			808 LINDEN ST	2629026.5	479513.3126	RT	Commercial - Office
			832 LINDEN ST	2628994.75	479753.1356	RT	Residential - Rental Unit
			832 LINDEN ST	2628994.75	479753.1356	RT	None - Usage Defined at Unit
			832 LINDEN ST	2628994.75	479753.1356	RT	Residential - Rental Unit

209-006282	832 LINDEN ST	2	832 LINDEN ST APT 2	2628994.75	479753.1356	RT	Residential - Rental Unit
209-006282	832 LINDEN ST	COMM	832 LINDEN ST	2628994.75	479753.1356	RT	Commercial - Service
209-006283	834 LINDEN ST	834	834 LINDEN ST	2628997.125	479775.1874	RT	None - Usage Defined at Unit
209-006283	834 LINDEN ST	834	834 LINDEN ST FL 2	2628997.125	479775.1874	RT	Residential - Rental Unit
209-006283	834 LINDEN ST	836	836 LINDEN ST	2628997.125	479775.1874	RT	Commercial - Retail
209-006283	834 LINDEN ST	838	838 LINDEN ST	2628997.125	479775.1874	RT	Commercial - Restaurant
209-006294	946 LINDEN ST	1	946 LINDEN ST FL 1	2628990.514	480306.0938	RT	None - Usage Defined at Unit
209-006294	946 LINDEN ST	2	946 LINDEN ST FL 2	2628990.514	480306.0938	RT	Commercial - Office
209-006295	1002 LINDEN ST		1002 LINDEN ST	2628992.722	480415.4062	RT	Commercial - Restaurant
209-006296	1016 LINDEN ST		1016 LINDEN ST	2629015.219	480517.408	RT	Commercial - Auto Sale/Service
209-006313	1124-1126 LINDEN ST	1	1124 LINDEN ST UNIT 1	2628985.328	481077.6313	RT	Residential - Rental Unit
209-006313	1124-1126 LINDEN ST	1C	1124-1126 LINDEN ST	2628985.328	481077.6313	RT	Commercial - Restaurant
209-006313	1124-1126 LINDEN ST	300	300 E LOCUST ST	2628985.328	481077.6313	RT	Residential - Rental Unit
209-006314	1202 LINDEN ST	301	301 E LOCUST ST	2628984.154	481174.1235	RT	Commercial - Restaurant
209-006515	920 N NEW ST		920 N NEW ST	2626814.775	480034.7118	RT	Medical - Medical Office
209-006555	1230 N NEW ST	16	16 E ELIZABETH AVE	2626817.069	481523.9722	RT	None - Usage Defined at Unit
209-006555	1230 N NEW ST	30C	1230 N NEW ST	2626817.069	481523.9722	RT	Residential - Rental Unit
209-006555	1230 N NEW ST	30F	1230 N NEW ST 2ND FLR FRONT	2626817.069	481523.9722	RT	Commercial - Restaurant
209-006582	835 N NEW ST	1	835 N NEW ST FL 1	2626657.75	479778.625	RT	Commercial - Service
209-006582	835 N NEW ST	1R	5 W GOEPP ST FL 1	2626657.75	479778.625	RT	Residential - Rental Unit
209-006665	530 PEMBROKE RD	2	5 W GOEPP ST FL 2	2626657.75	479778.625	RT	None - Usage Defined at Unit
209-006665	530 PEMBROKE RD	1	530 PEMBROKE RD	2630257.201	480071.7534	RT	Commercial - Restaurant
209-006665	530 PEMBROKE RD	3	530 PEMBROKE RD FL 1	2630257.201	480071.7534	RT	Residential - Rental Unit
209-006665	530 PEMBROKE RD	514	530 PEMBROKE RD 3RD FL	2630257.201	480071.7534	RT	Residential - Rental Unit
209-006665	530 PEMBROKE RD	911	514 PEMBROKE RD	2630257.201	480071.7534	RT	Residential - Rental Unit
209-006667	427 PEMBROKE RD	KIT	911 WESTON FL 2	2629692.25	479931.4639	RT	None - Accessory Use Kitchen
214-014152	1502 CENTER ST		1502 CENTER ST	2627636.521	482530.7708	RT	None - Usage Defined at Unit
214-014152	1502 CENTER ST	101	1502 CENTER ST STE 101	2627636.521	482530.7708	RT	Commercial - Office
214-014152	1502 CENTER ST	102	1502 CENTER ST STE 102	2627636.521	482530.7708	RT	Commercial - Office
214-014152	1502 CENTER ST	201	1502 CENTER ST STE 201	2627636.521	482530.7708	RT	Commercial - Office
214-014152	1502 CENTER ST	202	1502 CENTER ST STE 202	2627636.521	482530.7708	RT	Commercial - Office
214-014339	1420 CHELSEA AVE		1420 CHELSEA AVE	2627124.854	482327.5054	RT	None - Usage Defined at Unit
214-014339	1420 CHELSEA AVE	1420	1420 CHELSEA AVE	2627124.854	482327.5054	RT	Commercial - Office
214-014339	1420 CHELSEA AVE	1428	1428 CHELSEA AVE	2627124.854	482327.5054	RT	Commercial - Office
214-015089	2 W ELIZABETH AVE		2 W ELIZABETH AVE	2626713.437	481628.3438	RT	Residential - Owner Occupied
214-015089	2 W ELIZABETH AVE	1	2 W ELIZABETH AVE	2626713.437	481628.3438	RT	None - Usage Defined at Unit
214-015089	2 W ELIZABETH AVE	2	2 W ELIZABETH AVE FL 2	2626713.437	481628.3438	RT	Commercial - Restaurant
214-015652	1400 HIGH ST	3	2 W ELIZABETH AVE FL 3	2626713.437	481628.3438	RT	Residential - Rental Unit
214-015652	1400 HIGH ST	1402	1400 HIGH ST	2628180	482109.5938	RT	Commercial - Bar/Tavern
214-015733	6 HILLMOND ST		6 HILLMOND ST	2628180	482109.5938	RT	Commercial - Bar/Tavern
214-015844	1540 HOTTLE AVE		1540 HOTTLE AVE	2627842.25	482927.6249	RT	Commercial - Service
214-016738	1441 LINDEN ST		1441 LINDEN ST	2625096.5	482334.4063	RT	Commercial - Office
214-017651	1330 N NEW ST		1330 N NEW ST	2626878.5	481861.11	RT	Commercial - Service
215-019483	1420 EASTON AVE		1420 EASTON AVE	2629582.25	482073.6874	RT	None - Usage Defined at Unit
215-019483	1420 EASTON AVE	1F	1420 EASTON AVE 1ST FL FRONT	2629582.25	482073.6874	RT	Commercial - Office
215-019483	1420 EASTON AVE	1R	1420 EASTON AVE FL 1 REAR	2629582.25	482073.6874	RT	Residential - Owner Occupied
215-019508	1578 EASTON AVE	2	1420 EASTON AVE FL 2 REAR	2629582.25	482073.6874	RT	Residential - Rental Unit
215-019508	1578 EASTON AVE	FRNT	1578 EASTON AVE	2630173.625	482932.1561	RT	None - Usage Defined at Unit
215-019508	1578 EASTON AVE	REAR	1578 EASTON AVE FRONT	2630173.625	482932.1561	RT	Commercial - Service
215-020842	1227 PEMBROKE RD		1227 PEMBROKE RD	2630173.625	482932.1561	RT	Residential - Owner Occupied
215-020843	1235 PEMBROKE RD		1235 PEMBROKE RD	2634357.875	481157.5868	RT	Commercial - Retail
215-020843	1235 PEMBROKE RD		1235 PEMBROKE RD	2634437.389	481151.8575	RT	None - Usage Defined at Unit

215-020843	1235 PEMBROKE RD	1	1235 PEMBROKE RD FL 1	2634437.389	481151.8575	RT	Commercial - Service
215-020843	1235 PEMBROKE RD	1R	1235 PEMBROKE RD UNIT 1	2694437.389	481151.8575	RT	Residential - Rental Unit
215-020843	1235 PEMBROKE RD	2	1235 PEMBROKE RD UNIT 2	2694437.389	481151.8575	RT	Residential - Rental Unit
215-021141	1135 STEFKO BLVD	2	1135 STEFKO BLVD	2632307.75	481182.2187	RT	None - Usage Defined at Unit
215-021141	1135 STEFKO BLVD	2	1135 STEFKO BLVD FL 2	2632307.75	481182.2187	RT	Residential - Rental Unit
215-021141	1135 STEFKO BLVD	A	1135 STEFKO BLVD SUITE A	2632307.75	481182.2187	RT	Commercial - Service
215-021141	1135 STEFKO BLVD	B	1135 STEFKO BLVD SUITE B	2632307.75	481182.2187	RT	Commercial - Service
215-021474	410 WOODLAWN AVE	1	410 WOODLAWN AVE	2629762.958	482240.7083	RT	None - Usage Defined at Unit
215-021474	410 WOODLAWN AVE	1	410 WOODLAWN AVE UNIT 1	2629762.958	482240.7083	RT	Commercial - Service
215-021474	410 WOODLAWN AVE	2	410 WOODLAWN AVE UNIT 2	2629762.958	482240.7083	RT	Commercial - Service
216-021555	2116 COKE WORKS RD	1	2116 COKE WORKS RD	2637482.544	471718.7812	RT	Residential - Owner Occupied
216-021555	2116 COKE WORKS RD	2	2116 COKE WORKS RD FL 1 EAST	2637482.544	471718.7812	RT	Residential - Rental Unit
216-021555	2116 COKE WORKS RD	2	2116 COKE WORKS RD FL 2 EAST	2637482.544	471718.7812	RT	Residential - Rental Unit
216-021555	2116 COKE WORKS RD	2C	2116 COKE WORKS RD FL 2 REAR	2637482.544	471718.7812	RT	Commercial - Office
216-021555	2116 COKE WORKS RD	2W	2116 COKE WORKS RD FL 2 WEST	2637482.544	471718.7812	RT	Residential - Rental Unit
216-021908	1629 E 9TH ST		1629 E 9TH ST	2635343.177	473529.9932	RT	Commercial - Bar/Tavern
216-022114	915 LYNN AVE		915 LYNN AVE	2635102.795	473250.7116	RT	Commercial - Retail
216-022164	1349 LYNN AVE	1	1349 LYNN AVE	2634708.446	472662.1908	RT	None - Usage Defined at Unit
216-022164	1349 LYNN AVE	9	1349 LYNN AVE	2634708.446	472662.1908	RT	Commercial - Office
216-022164	1349 LYNN AVE		1349 LYNN AVE	2634708.446	472662.1908	RT	Industrial - Manufacturing
217-022194	416 EDWARD ST	1	416 EDWARD ST	2632740.833	474378.1352	RT	Residential - Rental Unit
217-022194	416 EDWARD ST		416 EDWARD ST	2632740.833	474378.1352	RT	School - Daycare
217-022194	416 EDWARD ST		416 EDWARD ST	2632740.833	474378.1352	RT	None - Accessory Use Kitchen
217-022274	1240 E 4TH ST	CHUR	1240 E 4TH ST	2632543.75	474451.3647	RT	None - Usage Defined at Unit
217-022274	1240 E 4TH ST	KIT	1240 E 4TH ST	2632543.75	474451.3647	RT	Non-Profit - Religious Org
217-022274	1240 E 4TH ST	RES	1240 E 4TH ST	2632543.75	474451.3647	RT	None - Accessory Use Kitchen
217-022274	1240 E 4TH ST		1240 E 4TH ST	2632543.75	474451.3647	RT	Residential - Rental Unit
217-022481	1480 E 6TH ST	1C	1480 E 6TH ST	2634342.75	474087.2502	RT	Commercial - Service



**Legend**  
NonConformingParcels  
COMMONLY  
MIXED USE  
NON-RESIDENTIAL  
ZONING  
ZONE CODE  
RG  
RT

# CITY OF BETHLEHEM

## Department of Community and Economic Development Interoffice Memo

**TO:** Adam Waldron, City Council President  
**FROM:** Darlene L. Heller, Director of Planning and Zoning  
**RE:** Zoning Text Amendment  
Petition of Morning Star Partners, LLC  
Review of 8 properties submitted as affected at November 20 public hearing

At the November 20 public hearing Morning Star Partners LLC, applicant for the text amendment addressing corner commercial or mixed use properties, submitted a report listing 8 properties throughout the City of Bethlehem that would potentially be impacted by the proposed text amendment. At that meeting council members requested our office to review the properties against the ordinance and determine whether the proposed text amendment will apply to these particular properties.

Following review of each individual property, it is apparent that the proposed text amendment will not apply to any of the listed properties.

Section 1304.04(b)(1) of the proposed ordinance states that "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."

Each of the listed properties is a corner lot and each includes both a nonconforming retail or commercial use and a residential component, but none of the listed properties contains a single family dwelling as defined by the Zoning Ordinance.

It is the determination of this office that even one apartment above a commercial use would not be considered a single family dwelling. A single unit above a commercial use would be an apartment dwelling unit. A single family dwelling is defined as also being a detached unit as described in the definitions in the Zoning Ordinance.

Therefore, since none of the 8 listed properties includes a detached single family dwelling, none of the 8 properties would be impacted by the proposed zoning text amendment.

CC: Mayor Donchez  
Attorney Spirk  
Attorney Leason

City Council members  
A. Kamer  
Attorney Praston

DATE

12-3-18

  
Darlene L. Heller, AICP  
Director of Planning and Zoning