

# 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:** Proposed Zoning Map and Text Amendments to create a Student Overlay District and Provisions to Address Student Housing, along with minor revisions to certain dimensional requirements and accessory structure regulations

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Attached is a draft of Zoning Ordinance text amendments and a map overlay to address student housing.

Bethlehem is working with south side community organizations and current property owners/landlords of student housing to prepare zoning amendments that address location and other parameters for student housing. The attached draft amendments are being forwarded to you as a result of those discussions.

College students are an asset to the community because they bring diversity and contribute to the downtown economic base. The student population can also impact these communities with issues such as parking, noise, etc. The proposed amendments provide an opportunity to proactively address where student housing is most appropriate and to provide some general parameters on student housing development.

The Overlay area is located in close proximity to Lehigh University campus where a concentration of student housing already exists and is shown on the attached map.

The amendment also includes some revisions to dimensional requirements in RT and RG, including building height, impervious coverage and accessory structures.

This item is placed on your August 13 Planning Commission agenda for consideration. We request that you act on the proposal to send a recommendation for approval to city council. We can discuss the proposal in more detail at the meeting.

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**CC:** T. Samuelson  
A. Karner  
Mayor Donchez  
E. Healy

**DATE:** 8-6-20



Darlene L. Heller  
Director Planning and Zoning

BILL NO. \_\_\_\_\_

ORDINANCE NO. 2020 - \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
PENNSYLVANIA, AMENDING THE ZONING ORDINANCE IN  
SECTIONS 1302, 1303, 1306, AND 1327 TO HEREBY ESTABLISH A STUDENT  
HOME OVERLAY ZONING DISTRICT, TO REVISE CERTAIN DIMENSIONAL  
REQUIREMENTS FOR THE RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL  
DISTRICTS, TO AMEND ACCESSORY STRUCTURES REGULATIONS, AND TO AMEND THE  
DEFINITIONS SECTION

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

SECTION 1. That in Article 1303 of the Zoning Ordinance titled Classification of Districts, a new SH Student Housing and Student Home Overlay Zoning District in Article 1303.02, Classes of Districts, is hereby established as shown on the attached map labeled “Exhibit A” . :

1303.02 “SH Student Housing and Student Home Overlay District”

SECTION 2. That in Article 1303 of the Zoning Ordinance titled Classification of Districts, Subsection 1303.07, Purposes of Each District, the following new Subsection is added:

“(v) SH Student Housing and Student Home Overlay Zoning District – Because the student population brings vitality and economic stability to both downtowns, this overlay district is being created to address the locations of housing units occupied by multiple college students and related noise, litter, other nuisances, overcrowding, and parking problems. The purpose of this district is fourfold:

- To recognize that housing of college students often causes different challenges than housing for other persons.
- To stabilize and protect neighborhoods throughout the City by providing for student housing, while maintaining the supply of housing that is affordable to families.
- To promote the development of additional on-campus housing by colleges and universities within the Institutional Zoning District.
- To direct concentrations of housing of college students to locations proximate to a college, and where public transit services are available, to minimize parking shortages and to reduce congestion.”

SECTION 3. That in Article 1302 of the Zoning Ordinance titled Definitions, the following new definition is added:

“1302.127 Student Home – Subject to the maximum occupancy limits set forth in Article 1327.02, a dwelling unit occupied by 3 or more students aged 18 years or older, but not more than 5, who are not “related” to each other and each of whom is enrolled to take two or more academic classes at a college or university authorized to grant post secondary degrees by the Pennsylvania Department of Education. A housing unit occupied by 1 or 2 college students shall be treated the same as any other housing unit of the same housing type, and shall not be considered a Student Home. To qualify as a Student Home, the dwelling unit shall not be the residence of persons not enrolled in two or more academic classes at a college or university authorized to grant postsecondary degrees by the Pennsylvania Department of Education. The term shall not regulate housing for college students within the Institutional Zoning District.”

All subsequent subsections are hereby renumbered accordingly.

SECTION 4. That in Article 1302 of the Zoning Ordinance titled Definitions, Section 1302.43 which reads as follows:

1302.43 Family. ~~One or more individuals who are “related” to each other by blood, marriage, or adoption (including persons receiving formal foster care) or up to 5 unrelated individuals who maintain a common household with common cooking facilities and certain rooms in common, and who live within one dwelling unit. A family shall also expressly include numbers of unrelated persons that may be allowed by the Group Home provision of this Ordinance residing within an approved group home.~~

Shall be amended to read as follows:

1302.43 Family. Two or more individuals who are “related” to each other by blood, marriage, or adoption (including persons receiving formal foster care) or up to 4 persons age 18 or older who are not “related” to each other who maintain a common household with common cooking facilities and certain rooms in common, and who live within one dwelling unit. A family shall also expressly include numbers of unrelated persons that may be allowed by the Group Home provision of this Ordinance residing within an approved group home. A family shall not include an association of two or more persons occupying a dwelling unit which otherwise meets the definition of a “student home.”

SECTION 5. That in Article 1302 of the Zoning Ordinance titled Definitions, Section 1302.52 which reads as follows:

1302.52 ~~Half Story. That portion of a building under a sloping gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are five feet or less on average above the floor level of such half-story. Provided that it is not used as a dwelling unit, a top floor in which the floor area with 7 feet or more of head clearance equals 50 percent or less of the floor area of the story next below shall be a “half story”.~~

shall be deleted and replaced with the following:

1302.52 Half-Story. That portion of a building under a sloping gable, hip or gambrel roof. The top floor of which shall be deemed a “half story” only if the following requirements are met:

- (a) A half story should be similar in construction and design to adjacent older buildings and match the streetscape of the entire block.
- (b) Habitable floor area is defined as floor area with 7 feet or more of head clearance.
- (c) Habitable floor area shall not exceed 50 percent of the habitable floor area of the story next below.
- (d) If an existing dormer or gable end on the top floor is located in the first 10 feet back from the front or rear building wall, the expansion of the half story can be located partially in the front or rear portion of the top floor but the overall construction cannot exceed more than two thirds of the area comprising the first 10 feet back from either the front or rear building wall, and the habitable floor area cannot exceed the requirements in subsection b above.
- (e) Alterations to the top floor shall maintain the original form of a gable, hip or gambrel roof, and the eaves of said half story shall sit upon the top plates of the second story building walls.

SECTION 5. That the following new Article 1327 is hereby established, and shall be added to the Table of Contents:

“Article 1327. SH Student Housing and Student Home Overlay Zoning District.

1327.01 Student Housing

- (a) A Student Home, as defined in Section 1302, shall be permitted by right in a CB, CL or SH Overlay District. A housing unit occupied by 1 or 2 college students shall be treated the same as any other housing unit of the same housing type, and shall be allowed wherever that housing type is allowed. The Student Home regulations shall not regulate housing of students within the Institutional zoning district.
- (b) The provisions of Articles 1302.127 and 1327 shall only apply to any new "student home" use commenced on or after the effective date of this Ordinance. In making this determination, the Zoning Officer and Zoning Hearing Board, as applicable, shall certify whether the licensing of a specific dwelling as a "Regulated Rental Unit" under Article 1739 of the City's Codified Ordinances for occupancy by 3, 4, or 5 unrelated persons continues without lapse for any length of time. If at any time the licensing of a specific dwelling as a "Regulated Rental Unit" under Article 1739 lapses for any length of time no matter how short or long, then the provisions of Articles 1302.127 and 1327 shall apply to such dwelling occupied by 3, 4, or 5 unrelated persons.

1327.02 SH Student Housing Overlay Zoning District. The SH Student Housing Overlay District is an overlay district that applies in various locations overlapping regular underlying zoning districts. The underlying zoning district regulations and all other City regulations shall continue to apply within the SH Overlay District, except for regulations that specifically are more restrictive or more permissive within the SH Overlay Zoning District, as follows:

- (a) In the SH Overlay Zoning District, a housing unit may be occupied as a "Student Home" if there is compliance with this Article.
- (b) A lawful Student Home shall have a maximum occupancy of 5 college students in the SH Overlay Zoning District, and a maximum occupancy of 3 college students in the CB or CL zoning districts. A lawful Student Home in any other district may be occupied by a maximum of 2 college students unless the Student Home complies with Section 1327.01.b regarding pre-existing uses. However, the Student Home provisions shall not apply within the Institutional Zoning District.
- (c) In the SH Overlay Zoning District, a housing unit shall only be newly approved to be used as a Student Home if the applicant provides the required off-street parking spaces for the housing unit, plus one additional off-street parking space for the 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> college student resident. This additional parking requirement shall not apply to in the CB district. This additional parking requirement shall not apply to pre-existing Regulated Rental units that are legally created through the City's Regulated Rental Ordinance. See Section 1319.02(g), which may allow off-site parking.
- (d) A Student Home shall only be allowed in a dwelling unit. A Boarding House or Rooming House shall not be used as a Student Home, unless the property is within the Institutional zoning district.
- (e) A Student Home must comply with all the Regulated Rental Unit Regulations under Article 1739 of the City's Codified Ordinances.
- (f) An existing residential building shall not be altered, expanded or modified in any way to result in additional indoor living space or numbers of bedrooms for a Student Home. All bedrooms shall meet City and State codes, including occupancy limitations.
- (g) A Student Home is permitted to display a maximum one (1) square foot sign in accordance with Section 1320.08.a."

SECTION 6. That the Student Home Overlay Map shown in "Exhibit 1" shall be added to the official Zoning Map of the City of Bethlehem.

SECTION 7 That Section 1306.01(a) of the Zoning Ordinance, titled Dimensional Regulations for Residential Districts, which reads as follows:

Zoning District	Use	Maximum Height (Whichever is more restrictive) See 1306.02 (a) for accessory bldgs.	
		Max. Stories	Max. Feet
<b>3. RG Residential District</b>	Multi-Family Dwelling (More than 2-1/2 Stories)	5-0	60

<b>4. RT Residential District</b>  See additional Standards in Article 1311.	Multi-Family Dwellings ( <del>3</del> 1/2 Stories or Less)	3-5	35
	Multi-Family Dwellings (More than <del>3</del> 1/2 Stories)	5-0	60

Shall be amended to read as follows:

Zoning District	Use	Maximum Height (Whichever is more restrictive) See 1306.02 (a) for accessory bldgs.		Max. Imp. Cov
		Max. Stories	Max. Feet	(%)
<b>3. RG Residential District</b>	Single Family Detached Dwelling	2.5	35	<u>70%</u>
	Single Family Semi-Detached Dwelling	2.5	35	<u>70%</u>
	Multi-Family Dwelling (2-1/2 Stories & Less) or Duplex	2.5	35	<u>70%</u>
	Multi-Family Dwelling (More than 2-1/2 Stories)	<u>3.0</u>	<u>40 (g)</u>	<u>70%</u>
	Single Family Attached Dwelling	2.5	35	<u>70%</u>
	Non-Residential and Other Allowed Uses	2.5	35	<u>70%</u>

<b>4. RT Residential District</b>       <b>See additional standards in Article 1311.</b>	Single Family Detached Dwelling	2.5	35	<u>80%</u>
	Single Family Semi-Detached Dwelling	2.5	35	<u>80%</u>
	Two-Family Detached Dwelling	2.5	35	<u>80%</u>
	Two-Family Semi-Detached Dwelling	2.5	35	<u>80%</u>
	Multi-Family Dwelling ( <u>2-1/2</u> Stories or Less)	<u>2.5</u>	35	<u>80%</u>
	Multi-Family Dwelling (More than <u>2-1/2</u> Stories)	<u>3.5</u>	<u>40 (g)</u>	<u>80%</u>
	Single Family Attached Dwelling	2.5 e	35 e	<u>80%</u>
	Non-Residential and Other Allowed Uses	2.5	35	<u>80%</u>

SECTION 8. A footnote (g) shall be added to the end of Section 1306.01(a) as follows:

“(g) In the RT and RG Residential districts, a multi-family dwelling building shall be allowed to have a maximum height of 5 stories or 60 feet, whichever is more restrictive, if the lot’s area contains 2 acres or more after completion of the subdivision or land development.”

SECTION 9. That the following revision is made to the dimensional requirements in Section 1306.01(b) of the Zoning Ordinance, titled Dimensional Regulations for Primarily Non-Residential Districts:

(a) Section 1306.01.b.2.a within the CL Limited Commercial District, which reads as follows:

~~Allowed Residential Uses – The requirements of the RT District (multi family provisions) shall apply in the CL District.~~

Shall be amended to read as follows:

“Allowed Residential Uses – The requirements of the RT District (multi-family provisions) shall apply in the CL District, except that the maximum height listed for this CL District shall apply for multifamily dwellings instead of the height requirements of the RT District.”

SECTION 10. A new subsection shall be added to Section 1306.03, Accessory Structures and Uses, as follows:

“(e) In the RT and RG Zones, sheds, patios or decks with roofs, gazebos, and playhouses not exceeding 125 square feet are permitted even if their construction exceeds the overall building coverage for that property. This provision shall only apply to single family detached, single family semi-detached, or single family attached dwellings.”

SECTION 11. All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

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

\_\_\_\_\_

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor



