

ORDINANCE NO. 15240

FILE OF CITY COUNCIL

BILL NO. 60 - 2015

September 16, 2015

AN ORDINANCE

Amending the Zoning Code, Article 1301-1331, of the Codified Ordinances of the City of Allentown.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 1313, Uses Permitted by Zoning District, Section 1313.01.B, Permitted Commercial Uses by Zoning District, Under the Commercial Uses column, be amended as follows:

COMMERCIAL USES (continued)

Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, ~~each of which shall be considered a retail store~~).

Massage Establishment meeting the City State Massage Establishment Ordinance. All other massage establishments shall be prohibited.

SECTION TWO: That Article 1314, Overlay District Requirements, Section 1314.04.E.2.b (3) be amended as follows:

- (3) Wall signs located in the sign zone (as described below) between the first and second floors shall ~~occupy a minimum of seventy (70%) percent of the width of this area.~~ be placed as follows:
- i) If there is a defined cornice, the sign shall be centered vertically within the cornice. (See Figure A.)
 - ii) If there is not a defined cornice, the sign shall be centered vertically between the windows of the first and second stories. (See Figure B.)
 - iii) If there are no windows on the second story, the sign shall be placed such that the top of the sign zone is no more than forty-eight (48) inches above the top of the first story windows. (See Figure C.)

SECTION THREE: That Article 1315.03, Table of Area and Yard Requirements in Non-Residential Districts, be amended as follows:

District	Use	Min. Lot Area - square feet	Min. Lot Width	Min. Front Yard	Min. Rear Yard	Min. Width of Each of 2 Side Yards (H)	Max. Height in Feet	Max. Percent of "Building Coverage"
B-1/R	b) Other Allowed Principal Use, which may include one accessory dwelling unit regardless of lot area or lot width.	b) 3000 (O)	b) 30 (P)	b) 15 (Q)	b) 5(C) (Q)	b) 0(E) (Q)	b) 40, except 50 in the TND overlay	b) 70%

Under the Notes for the above table, add the following Items (O), (P) and (Q):

(O)= For conversions of a residential use to a non-residential use on properties fronting on North 7th Street a minimum lot area of 1,800 square feet shall apply.

(P)= For conversions of a residential use to a non-residential use on properties fronting on North 7th Street a minimum lot width of 18 feet shall apply.

(Q)= For existing structures fronting on N. 7th Street when converting less than 2,000 square feet of floor area into a non-residential use, the existing front, rear and side yard setbacks shall apply.

SECTION FOUR: That Article 1321.01, General Parking Regulations, Section 13201.S, be amended as follows:

S. Commercial Districts.

1. Downtown. Off-street parking is not required to be provided for uses within the B-2 district except for residential uses consisting of 5 or more dwelling units. In such cases, the required number of spaces shall be one-half of the requirement for dwelling units shown in the "Table of Off-Street Parking Requirements" found in Section 1321.02; the required parking shall only apply to the number of units in excess of four, and all such required

spaces may be provided off-site, subject to the same requirements as for non-residential uses found in Section 1321.01 I.1.

2. North 7th Street. Off-street parking is not required to be provided for non-residential uses on properties in the B-1/R district fronting on North 7th Street having a non-residential floor area of not more than 2,000 square feet.

SECTION FIVE: That Article 1327, Additional Requirements for Specific Uses, Section 1327.03.C, 1327.03.C, Item 10, be amended as follows:

10. Hours. Any Adult Use approved ~~after the adoption date of this Ordinance~~ shall be limited in its hours of operation to between 8 a.m. and 12 midnight.

SECTION SIX That upon approval, the City Clerk is directed to incorporate the above sections into Zoning Ordinance #13847, as amended.

SECTION SEVEN: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

	Yea	Nay
Joe Davis	X	
Jeanette Eichenwald	X	
Jeff Glazier	X	
Daryl Hendricks	X	
Cynthia Y. Mota	X	
Julio A. Guridy, VP	X	
Ray O'Connell, Pres.	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on November 4, 2015 and signed by the Mayor on November 5, 2015.

Michael P. Hall

CITY CLERK

Bill: Amending Articles 1313 to 1327 of the Zoning Code regarding lot dimensions and parking requirements in the B-1/R district of North 7th Street, and other zoning regulations relating to certain commercial uses, wall signs in the Hamilton Street Overlay, and hours of operation of Adult uses.

What Department or bureau is Bill originating from? Where did the initiative for the bill originate?

- DCED, Bureau of Planning and Zoning.

Summary and Facts of the Bill

- Primarily, the bill intends to make the Zoning Code more in line with the objectives of the 7th Street Development Committee and the efforts to encourage property owners to convert first floor residential uses into commercial uses. The proposed amendment seeks to amend the B-1/R District of North 7th Street as follows:
 - For properties with frontage on N. 7th Street's B-1/R District, the bill reduces the minimum lot area requirement from 3,000 ft² to 1,800 ft² for such conversions;
 - For properties with frontage on N. 7th Street's B-1/R District, the bill reduces the minimum lot width requirement from 30 feet to 18 feet for such conversions; and,
 - For properties with frontage on N. 7th Street's B-1/R District, the bill eliminates the requirement to provide new off-street parking for such conversions where the non-residential floor area does not exceed 2,000 ft². (For residential uses, the requirement to provide off-street parking is retained.)
- The bill also introduces several "housekeeping" amendments intended to clarify and/or eliminate certain provisions of the ordinance as follows:
 - Section 1 clarifies that check cashing establishments and pawn shops are treated separately from other retail uses and corrects the fact that massage establishments are licensed by the state and not the City.
 - Section 2 removes a provision in the Hamilton Street sign section that requires signs to occupy at least 70% of the width of the sign area. We have found this to be an unnecessary and sometimes unachievable requirement.

Purpose

- a) What does the Bill do – what are the specific goals/tasks the bill seek to accomplish
 - The bill aims to make the Zoning Code more of a facilitator of – rather than an obstacle to – growth and vibrancy in this commercial area of North 7th Street, which the city has customarily referred to as a major gateway to Downtown.
- b) What are the Benefits of doing this/Down-side of doing this
 - The amendment will enable at least 70 other property owners to convert by-right rather than being disqualified outright.
- c) How does this Bill relate to the City's Vision/Mission/Priorities
 - The bill makes the Zoning Code consistent with the policy pronouncements in the city's comprehensive plan in promoting neighborhood-based commerce, walkability and the use of alternative modes of mobility – particularly transit and bicycle.

Financial Impact -- **Cost** (Initial and ongoing) and **Benefits** (initial and ongoing)

- None.

Funding Sources

- a) Make sure bill gives specific accounts if money is moved around.
 - Not applicable.

Priority status/Deadlines, if any.

- There is no deadline for this proposed measure. However, there are pending applications for such conversions on N. 7th Street that could benefit from the bill's enactment.

Why should Council unanimously support this bill?

- The proposed amendment further brings the land use practices of the city more in tune with the policies in the Comprehensive Plan by ensuring that development opportunities and commercial activities will be more reflective of the needs of surrounding neighborhood and by creating more walkable communities.