

ORDINANCE NO. 04-26

**AN ORDINANCE AMENDING ORDINANCE NO. 8-97,
THE BETHLEHEM TOWNSHIP ZONING ORDINANCE, CHAPTER 275
"ZONING", OF THE TOWNSHIP OF BETHLEHEM CODE OF ORDINANCES,
AS AMENDED, BY AMENDING VARIOUS SECTIONS OF ARTICLE II TERMINOLOGY;
ARTICLE VIII NEIGHBORHOOD COMMERCIAL DISTRICT; ARTICLE XXVI
NEIGHBORHOOD ENHANCEMENT OVERLAY DISTRICT AND ARTICLE XX
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES, AND REPEALING ALL ORDINANCES
INCONSISTENT HEREWITH**

WHEREAS, § 275-15 of the Bethlehem Township Zoning Ordinance (the "Ordinance") provides that "The Township may, on its own motion or upon petition of any person or entity, amend, supplement, change or modify, or repeal this Ordinance."; and

WHEREAS, Wagner Enterprises LTD, an owner of real property within the Township of Bethlehem, Northampton County, Pennsylvania (the "Township"), has petitioned the Township Board of Commissioners ("BOC") to amend the Ordinance pursuant to § 275-15 to enact amendments to Article II Terminology; Article VIII Neighborhood Commercial District; Article XXVI Neighborhood Enhancement Overlay District and Article XX Additional Requirements For Specific Principal Uses; and

WHEREAS, the BOC finds that the proposed amendments will promote, protect and facilitate the public health, safety and welfare; and

WHEREAS, the BOC finds that the proposed amendments are consistent with the Township Comprehensive Plan adopted July 1, 1997, including the amendments thereto adopted on April 17, 2017; and

WHEREAS, pursuant to § 609 of the MPC, 53 P.S. § 10609, the Township is authorized and empowered to enact amendments to the Ordinance after public hearing thereon pursuant to public notice and posting of the subject property by the Township; and

WHEREAS, the BOC has conducted a public hearing pursuant to the public notice concerning the following amendments to the Ordinance; and

WHEREAS, after public hearing pursuant to public notice, the BOC desires to ordain and enact the amendments to the Ordinance set forth hereinafter.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, as follows:

SECTION 1. Chapter 275 *Zoning*; Article II *Terminology*; § 275-24 *Definitions* is amended as follows:

1. *Convenience Store* is deleted in its entirety and replaced as follows-

"CONVENIENCE STORE

Use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a sales area of less than 8,000 square feet. Such use may also include sale of fuel, lubricants, or automobile accessories as an accessory use unless stated otherwise within this chapter. This use may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met"

2. The following definitions are added as follows-

"ELECTRIC VEHICLES CHARGING STATION

Battery charging station equipment with an associated parking space that is publicly accessible and has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station may contain several charging ports/points to charge more than one electric vehicle at a time.

ELECTRIC VEHICLE CHARGING EQUIPMENT

Any device that enable the safe transfer of energy between the local power supply grid and an electric vehicle. Electric vehicle charging equipment includes all the components for electric vehicle charging stations, including: conductors; ungrounded, grounded and equipment grounding conductors; electric vehicle connectors; attachment plugs, software and all other fittings, devices, power outlets, induction plates or apparatus installed specifically for the purpose of delivering energy from the electric supply grid to an electric vehicle.

ELECTRIC VEHICLE CHARGER LEVELS

Level 1 Charger – AC Level 1 equipment provides charging through a 120-volt AC plug. Charging converts AC to DC for the battery within the vehicle itself.

Level 2 Charger – AC Level 2 offers charging through 240-volt or 208-volt electrical service. Charging converts AC to DC for the battery within the vehicle itself.

Level 3 Charger – An industrial grade electrical outlet (208-volt or 480-volt) that allows for rapid recharging of electric vehicle batteries through higher power levels. DC fast chargers convert AC to DC within the charging station and then supply charge directly to the battery.”

SECTION 2. Chapter 275 Zoning; Article VIII *Neighborhood Commercial District*; § 275-65 *Special Exception Uses*; Subsection A. *Convenience store, open only between the hours of 6:00 a.m. and 12:00 midnight* is amended by adding the following:

“Accessory use of fuel, lubricants, or automobile accessories sales is strictly prohibited.”

SECTION 3. Chapter 275 Zoning; Article XXVI *Neighborhood Enhancement Overlay District*; § 275-223 *Use regulations*; Subsection A. *Permitted-by-right uses* is amended by adding the following:

“(5) Convenience store, on a lot providing vehicular access/egress to two or more public streets.”

SECTION 4. Chapter 275 Zoning; Article XX *Additional Requirements For Specific Uses*; § 275-189 *Additional requirements for specific principal uses*; Parenthetical (10) *Auto service station*; Sub-parentheticals (a) – (g) are deleted in their entirety and replaced with the following:

“(a) See definition in Article II and definition of "auto repair garage."

(b) All activities except those to be performed at fuel pumps, air pumps or electric vehicle charging stations shall be performed within a completely enclosed building.

(c) Fuel pumps and electric vehicle charging stations shall be at least 25 feet from the ultimate street right-of-way.

(d) All automobile parts and dismantled vehicles are not to be visible from a public street or dwelling.

(e) No vehicle that is not operable or does not have current registration shall be stored within view of a public street or a dwelling for more than a total of 10 days.

(f) Fuel pumps and air pumps should be arranged so that vehicles lined up for service do not

obstruct access into or out of the site.

(g) A use that is intended to provide fueling service to tractor trailers with six or more wheels, in addition to primarily servicing passenger vehicles, shall be required to have a minimum lot area of three acres.

(h) The use shall only be permitted on a lot with a minimum lot size of 2 acres. The use shall not provide amenities to promote overnight stay, such as showers, truck lounge, gym, laundry facilities or grooming stations.

(i) Minimum lot width of 300 feet fronting an arterial road.

(j) All fuel pumps, fuel storage tanks and buildings shall be set back at least 300 feet from any public or private primary or secondary school, nursery school/day-care facility, playground, cultural/community center, personal-care center, life-care center or wildlife sanctuary use; and at least 100 feet from any residential use.

(k) There shall be an ability for the fueling of a minimum of four vehicles to be served at one time.”

SECTION 5. Chapter 275 Zoning; Article XX *Additional Requirements For Specific Uses*; § 275-189 *Additional requirements for specific principal uses* is amended by adding the following:

“(76) Convenience Store

(a) Exterior trash/recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter.

(b) Any automated teller machines accessory to the use shall be located within the interior of the building.

(c) All exterior seating areas shall be protected by bollards or traffic-rated protective features.

(d) A convenience store which includes the accessory use of fuel, lubricants, and/or automobile accessories sales shall comply with the requirements of auto service station in §275-189.A(10), in addition to the standards listed herein.

(e) A convenience store which includes the accessory use of fuel, lubricants, and/or automobile accessories sales shall meet the off-street parking requirements for both a convenience store and auto service station use in §275-142.

(f) Indoor seating is permitted only if the seating area is clearly accessory to the convenience store and the seating area is not used as a restaurant.”

SECTION 6. Chapter 275 Zoning; Article XX *Additional Requirements For Specific Uses*; § 275-190 *Additional requirements for accessory uses*; Subsection D *Additional standards for specific accessory uses* is amended by adding the following:

“(25) Drive-through service.

(a) Audible electronic devices such as loudspeakers, intercoms, automobile service order devices, and similar instruments shall not be located within 50 feet of any residential lot line.

(b) All areas associated with the drive-through, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects, shall be located in the side or rear yard only.

(c) Unless otherwise provided in this chapter, drive-through services shall only be permitted by special exception.

(d) A bypass lane shall be provided around the drive-through service lane to allow vehicles to circulate without obstruction. The bypass lane shall be a minimum of 12 feet in width.

(e) Stacking lanes shall be provided for any use having a drive-through service and shall

comply with the following standards:

- i. Drive-through stacking lanes shall have a minimum width of 10 feet. Entrance to the stacking lane shall be clearly marked.
- ii. Stacking lanes shall be located and designed so that they do not obstruct ingress or egress to the site or to required parking and loading spaces. Queues shall be wholly contained on the subject property.
- iii. Stacking lanes shall be separated from other stacking lanes, bypass lanes, off-street parking areas and other site areas. Separation shall be by means of a raised concrete median, concrete curb or landscape area.
- iv. Stacking lanes shall be setback a minimum of 20 feet from any property line.
- v. Stacking lanes for financial institutions or automated teller machines shall provide a minimum of 60 feet of on-site stacking, measured from the service window or automated teller machine.
- vi. Stacking lanes for restaurants, fast-food restaurants, or any other use that has a menu board and/or audible electronic devices, shall provide a minimum of 160 feet of on-site stacking, measured from the menu board or service window, whichever is more restrictive.
- vii. Stacking lanes for uses other than financial institutions, automated teller machines, restaurants and fast-food restaurants that offer pre-ordered pick-up services only and that do not have a menu board and/or audible electronic devices shall provide a minimum of 80 feet of on-site stacking, measured from the service window.

(26) Electric Vehicle Charging Stations

- (a) Electric vehicle charging equipment primarily intended for private use by a single-family dwelling or a single townhouse dwelling unit shall be exempt from the requirements of this section.
- (b) Electric vehicle charging station parking spaces shall be clearly marked for the intended use. The parking spaces from which the charging station may be accessed shall not be restricted to vehicle charging only parking.
- (c) Electric vehicle charging station parking spaces shall meet design standards for parking spaces in accordance with §275-144.
- (d) When only one electric vehicle charging station is provided, it shall be accessible in accordance with ADA parking standards. When more than one electric vehicle charging station is provided, at least one electric vehicle charging station shall be ADA accessible.
- (e) Electric vehicle charging stations shall not be located in areas prone to standing water and/or flooding.
- (f) The following information shall be provided and clearly posted at all electric vehicle charging stations to allow for maintenance and notification: Contact information for when equipment is not operating, not accessible, or other problem; Voltage and amperage levels; Hours of operation if time limits or towaway provisions are to be enforced by the property owner; Usage fees; Safety information; Geographical location, date of installation, equipment type and model.
- (g) Any cords connecting the electric vehicle charging station to an electric vehicle shall be configured so that they do not cross a driveway, drive aisle, sidewalk or ADA accessible route.
- (h) Electric vehicle charging stations shall have charging equipment compatible with all

electric vehicle models. Where electric vehicle charging stations are provided as an accessory use to any nonresidential principal use, electric vehicle charging stations shall provide Level 2 or Level 3 chargers or a combination of both.

(i) If electric vehicle charging is offered during nighttime hours the electric vehicle charging station shall be illuminated. Illumination shall comply with §275-135.

(j) Electric vehicle charging stations shall be protected by bollards or traffic-rated protective features.”

SECTION 7. SEVERABILITY. The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

SECTION 8. REPEALER. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after adoption.


ORDAINED AND ENACTED this 6th day of April, 2026, at a regular public meeting after public hearing thereon.

**BOARD OF COMMISSIONERS
OF BETHLEHEM TOWNSHIP**



John J. Merhottein
President

ATTEST:



Doug Bruce
Township Manager