

**ORDINANCE NO. 06-26**

**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 THE ORDINANCE TO ADD  
NEW USES, RESOLVE INCONSISTENCIES AND TEXTUAL CONFLICTS, 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**, the Bethlehem Township Director of Planning and Economic Development in conjunction with the Zoning Officer has recommended that the Bethlehem Township Board of Commissioners ("BOC") enact the following amendments to the Ordinance to add new uses, resolve inconsistencies, and resolve conflicts within the Zoning Ordinance itself; 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 Bethlehem Township Comprehensive Plan adopted July 1, 1997, including the amendments thereto adopted on April 17, 2017; and

**WHEREAS**, pursuant to § 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609, the Township of Bethlehem (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 I General Provisions and Administration is amended as follows:

1. § 275-8 General Procedure for Permits; Subsection A is deleted in its entirety and replaced as follows-

"A. Persons desiring to undertake any new construction, structural or site alteration or changes in the use of a building or lot shall apply to the Township Zoning Officer for a permit under this chapter by filling out the appropriate application form and by submitting the required fee at such time and any additional required information."

2. § 275-9 Permits and certificates; Subsection A Applications and permits; Parenthetical (4) Application; Sub parenthetical (c) Plot plan requirements is deleted in its entirety and replaced as follows-

"(c) Plot plan requirements.

[1] Except as provided by Subsection A(4)(d), where the application involves the proposed erection or construction of any new nonresidential principal or accessory structure, or the construction of any new residential principal building, the applicant shall submit for the review and approval of the Township three copies of an application plot plan for the lot which shall be prepared, drawn, dated, signed and sealed by a registered engineer or registered surveyor.

[a] For purposes of identification of the plot plan, the registered engineer or registered surveyor shall show his or her own method of numbering. The plot plan shall be drawn to scale at not less than one inch each equals 50 feet and in accordance with an accurate boundary survey. All elevations shall be established by such registered engineer or registered surveyor.

[b] Where the lot was created or established pursuant to, or is shown on, any Township approved subdivision and/or land development plans, the plot plan shall set

forth the name of such subdivision and/or land development plans and the place of record thereof, if recorded, in the Office of the Recorder of Deeds of Northampton County, Pennsylvania.

[c] All information contained on the plot plan shall be consistent with the most recent, Township-approved subdivision and/or land development plans, except as specifically identified on the plot plan as either an existing deviation therefrom or proposed revision thereof, which deviation or revision shall be subject to the approval of the Township in accordance with applicable law.

[d] The plot plan shall set forth the following additional information:

[i] The name and address of the legal owner, and of the person or entity on whose behalf the plan has been prepared.

[ii] The applicable zoning district.

[iii] The location of the lot in relation to the nearest intersecting street, with the distance of such lot from said street in feet and decimal parts thereof, together with a North Point.

[iv] The dimensions and bearings of the lot.

[v] The lot area in square feet.

[vi] The Northampton County Uniform Parcel Identifier Number, street address, and lot number shown on the subdivision plan of record.

[vii] The manner of marking the survey in the field, i.e., stakes, pins, monuments, etc.

[viii] The size and location of all existing and proposed structures, with the distances thereof from all lot lines and established street grades. In the case of demolition, the plot plan shall clearly identify all structures to be demolished. Where an existing or proposed structure has more than one floor, the area of each floor shall be stated.

[ix] The applicable setback and other restriction lines and front, side, and rear yard requirements. Where any existing or proposed structure does or will encroach upon an applicable setback or other restriction line, the plot plan shall show the distance of such structure from such setback or other restriction line.

[x] The building area in square feet.

[xi] The size and location of all existing and proposed easements, rights-of-way, utilities (including any on-lot sewage disposal systems), streets, curbs, sidewalks, driveways, stormwater management facilities and other improvements on or abutting the lot.

[xii] Any existing and proposed private restrictions on structures or uses of the lot.

[xiii] The existing and proposed contour elevations of the lot at intervals of not greater than two feet unless the average slope of the lot is less than 3%, in which case contour elevations shall be shown at intervals of not greater than one foot. If the lot was created or established pursuant to, or is shown on, any Township approved subdivision and/or land development plans, the proposed contour elevations shall be those shown on the most recently Township approved grading plan for such approved subdivision and/or land development plans unless revised contour elevations are preapproved in writing by the Township Engineer.

[xiv] The proposed elevations for any basement and garage floor, top of foundation and finished first floor, the primary on-lot sewage disposal system, and finished road along the points of the proposed ingress to the lot.

[xv] The proposed method for collection, conveyance, and discharge of all stormwater from the lot.

[2] Except as provided by Subsection A(4)(c)[1] and A(4)(d), where the application involves the proposed erection or construction of any residential accessory structure, residential structure expansion or zoning only permit application. The applicant shall submit for the review and approval of the Township three copies of an application plot plan for the lot. The plot plan shall be drawn to scale. All information contained on the plot plan shall be consistent with existing site conditions and improvements. The plot plan shall set forth the following additional information:

[a] The name and address of the legal owner, and of the person or entity on whose behalf the plan has been prepared.

[b] The location of all existing structures. In the case of demolition, the plot plan shall clearly identify all structures to be demolished.

[c] The location of proposed improvements and the setback distance of the proposed improvements to property lines.

[d] The applicable setback and other restriction lines and front, side, and rear yard requirements. Where any existing or proposed structure does or will encroach

upon an applicable setback or other restriction line, the plot plan shall show the distance of such structure from such setback or other restriction line.

[e] The proposed improvement area in square feet or dimensions of the proposed improvement.

[f] The size and location of all existing and proposed easements, rights-of-way, utilities (including any on-lot sewage disposal systems), streets, curbs, sidewalks, driveways, and other improvements on or abutting the lot.

[3] All construction, grading, and other work shall be performed strictly in accordance with the approved application plot plan and it shall be a violation of this chapter to perform any construction, grading, or other work which is not in accordance with the approved application plot plan. Upon the completion of construction of any structure foundation, and prior to any further construction, the applicant shall submit a confirmation plan, prepared, drawn, dated, signed and sealed by a registered engineer or registered surveyor, affirmatively establishing that the elevations of the basement and garage floor (if any), the top of foundation, the primary on-lot sewage disposal system (if any), and finished road along the points of the proposed ingress to the lot are in accordance with the approved application plot plan. Upon the completion of all construction, finished grading, and other work, the applicant shall submit an as-built plan, prepared, drawn, dated, signed and sealed by a registered engineer or registered surveyor, affirmatively establishing that all construction, finished grading, and other work has been completed in accordance with the approved application plot plan and confirmation plan. The submission to and approval of such as-built plan by the Township shall be a condition which must be satisfied prior to the issuance of a certificate of occupancy by the Township.”

3. § 275-11 *Zoning Hearing Board*; Subsection G *Applications to the Zoning Hearing Board*; Parenthetical (2) *Every appeal or application shall include the following and be submitted with a total of seven copies (which may include the original*; Sub parenthetical (g) is deleted in its entirety and replaced as follows-

“(g) A plot plan meeting the requirements of § 275-9.A(4)(c); unless a site plan is required in accordance with § 275-178.”

4. § 275-20 *Conditional use process* is amended by adding the following-

“E. Change in conditional use. Any request to alter or modify a previously approved conditional use in a way that deviates from the original conditional use approval’s conditions or scope, including modifications to parking; change in building size by 1,000 square feet or more; building location; increase in density; access points; or introducing new principal or accessory buildings or uses shall be considered a change in conditional use and shall be required to be reviewed through the conditional use process.”

5. § 275-21 *Special exception use process*; Subsection B *Procedure*; Parentheticals (2) and (3) are deleted in their entirety and replaced as follows-

“(2) All applicants for a special exception use shall submit eight sets of plot plans for the proposed use with the application for a zoning permit unless a site plan is required in accordance with §275-178.

(3) All plot plans shall contain the information required in §275-9.A(4)(c). When required, all site plans shall contain the information required in §275-178.”

**SECTION 2.** Chapter 275 *Zoning*; Article II *Terminology*; § 275-24 *Definitions* is amended by adding the following:

“**DATA CENTER** - A use that includes a building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms.

**DATA CENTER EQUIPMENT** – Equipment including but not limited to: utilities; utility lines; administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; domestic and non-contact cooling water and waste-water treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); redundant data communications connections; and security features, provided such Data Center Equipment are located on the same tract. This use

includes outdoor mechanical equipment adjacent to a Data Center that provides redundant power capacity to a Data Center. This use also includes structures associated with Data Center Equipment.

**STREETSCAPE ENHANCEMENT AREA** – The area of a lot located within the Streetscape Enhancement Overlay District that has frontage along any public street.

**TRAFFIC DEMAND** – The total number of vehicles, pedestrians, or bicycles that desire to travel through a specific segment or intersection during a given time period. Unlike Traffic Volume served, which is the actual flow passing through, demand can exceed capacity, causing oversaturation, queuing, and, in some cases, hidden "latent" demand not fully captured by traffic counts.”

**SECTION 3.** Chapter 275 Zoning; Article IV *RR Rural Residential District*; § 275-35 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 4.** Chapter 275 Zoning; Article V *LDR Low-Density Residential District*; § 275-43 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 5.** Chapter 275 Zoning; Article VI *MDR Medium-Density Residential District*; § 275-51 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 6.** Chapter 275 Zoning; Article VII *MHDR Medium-High-Density Residential District*; § 275-51 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 7.** Chapter 275 Zoning; Article VIII *NC Neighborhood Commercial District*; § 275-69 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 8.** Chapter 275 Zoning; Article IX *GC General Commercial District*; § 275-76 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 9.** Chapter 275 Zoning; Article X *PC Planned Commercial District*; § 275-84 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 10.** Chapter 275 Zoning; Article XI *OB Office/Business District*; § 275-92 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 11.** Chapter 275 Zoning; Article XII *GI General Industrial District* is amended as follows:

1. § 275-96 *Conditional uses* is amended by adding the following-

“J. Data Center [subject to additional requirements in § 275-189.A(77)].”

2. § 275-99 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows-

“C. Site plan review when applicable. See § 275-178.”

**SECTION 12.** Chapter 275 Zoning; Article XIII *LI Light Industrial/ Office Campus District* is amended as follows:

1. § 275-109 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows-

“C. Site plan review when applicable. See § 275-178.”

2. § 275-104 *Conditional uses* is amended by adding the following-

“I. Data Center [subject to additional requirements in § 275-189.A(77)].”

**SECTION 13.** Chapter 275 Zoning; Article XIV *AG Agricultural District*; § 275-115 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 14.** Chapter 275 Zoning; Article XV *CR Conservation and Recreation District*; § 275-121 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 15.** Chapter 275 Zoning; Article XVII *Off-Street Parking and Loading* is amended as follows:

1. § 275-142; Table 17.1 *Off-Street Parking Requirements*; Subsection F *Industrial, wholesale and warehousing uses* is amended by adding the following-

Use	One Off-Street Parking Space Required for Each	Plus One Off-Street Parking Space Required for Each
“3. Data Center	8,000 square feet of floor area	Employee (based on the maximum number of employees on site during the largest shift)”

2. § 275-144 *Design standards for off-street parking*; Subsection E *Paving, grading and drainage*; Parenthetical (1) is deleted in its entirety and replaced as follows-

“(1) Except for areas that are landscaped and so maintained, all portions of required parking and off-street loading facilities, including driveways and access drives, shall be graded, surfaced with asphalt, steel reinforced concrete or decorative paving block and drained in ways necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties. If a single-family detached dwelling driveway will have a total length longer than 75 feet, only those portions of the driveway within 75 feet of the street right-of-way shall be required to be paved, while other sections may be covered with gravel or other similar material.”

3. § 275-146 *Off-street loading*; Subsection A *General requirements*; Parenthetical (2) is deleted in its entirety and replaced as follows-

“(2) The applicant shall prove that the use will have sufficient numbers and sizes of loading facilities and that no conflicts will be created. For the purposes of this section, loading shall include unloading.”

**SECTION 16.** Chapter 275 Zoning; Article XIX *General Regulations* is amended as follows-

1. § 275-171 *Special lot and yard requirements; sight distance and buffer yards*; Subsection D *Buffer yards*; Parenthetical (3) *Characteristics*; Sub parentheticals (d) *Waiver* and (e) *Fence* are deleted in their entirety and replaced as follows-

“(d) Fence. Any fence that may be constructed shall be on the inside of any required evergreen screening.”

2. § 275-178 *Site plan review*; Subsection C *When required* is deleted in its entirety and replaced as follows-

“C. When required.

(1) A site plan review by the Planning Commission and Board of Commissioners under this section is required for any of the following uses unless the physical

layout of the principal building(s) and use will be approved under the Subdivision and Land Development Ordinance.

(a) Any cumulative expansion of more than 2,000 square feet in the floor area of a nonresidential structure. Cumulative calculation of expansion shall be based on property improvements made over the previous five-year period from the date of an application.

(b) Any new or expanded paved area of greater than 1,000 square feet.

(c) Any dormitory, townhouse, garden apartment, or mid-rise apartment principal building.

(d) Conversion of a residential use to a nonresidential use.

(e) Commercial communications tower.

(f) Any conditional use.

(g) Any non-agricultural use on land having an average slope greater than 15% in accordance with §275-124.

(h) Any use required to meet the minimum requirements of the Streetscape Enhancement Overlay District in §275-261.

(i) Any grower/processor facility.

(j) Any medical marijuana delivery vehicle office.

(k) Any dispensary facility.”

3. § 275-179 *Traffic impact study* is deleted in its entirety and replaced as follows-

“§ 275-179 Transportation impact study

A. Intent. To allow the Township to determine the roadway adequacy and congestion impacts, and related costs, of proposed traffic generating uses. To require that applicants respond with reasonable proposals to resolve the negative transportation impacts that their proposed uses will cause on the public. To recognize that sufficient federal, state and municipal funds are not available to resolve transportation problems caused by private development. To assist in implementing Sections 503(2)(ii) and 503(3) of the Pennsylvania Municipalities Planning Code, as amended. To ensure that access into and out of subdivisions and land developments is reasonably addressed.

B. Study Required.

(1) No Study Required – Whenever a proposed project will generate forty-nine (49) or fewer new vehicle Trips in the peak direction (inbound or outbound) during the Site peak traffic hour, no transportation impact study shall be required. The Applicant remains responsible for providing adequate access to and from the site for all applicable modes of transportation.

(2) Abbreviated Transportation Impact Study - Whenever a proposed project will generate fifty to ninety-nine (50-99) new vehicle Trips in the peak direction (inbound or outbound) during the Site peak traffic hour, the Applicant shall perform an abbreviated transportation impact study. Based on this study, certain Improvements may be identified as necessary to provide access to the development. The abbreviated transportation impact study shall include:

(a) A capacity analysis of the site driveways and any proposed intersections for the opening year.

(b) An evaluation of the existing pedestrian, bicycle, and transit facilities along the site frontage, and identify any gaps or required improvements.

(3) Comprehensive Transportation Impact Study - Whenever a proposed project will generate one hundred (100) or more new vehicle Trips in the peak direction (inbound or outbound) during the Site peak traffic hour, the Applicant shall perform a comprehensive transportation impact study. Based on this study, certain Improvements may be identified as necessary to provide safe and efficient access to the development.

(4) In addition, a comprehensive transportation impact study shall be prepared at the discretion of the Municipality whenever either of the following conditions exist within the impact study area:

(a) Current traffic problems exist in the local area, such as a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.

(b) The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.

(c) The traffic associated with the construction of the development is anticipated to exceed the operational traffic of the development. The construction traffic shall be analyzed, and shall include evaluation of queuing at security gates, if present.

(5) A transportation impact study prepared for PennDOT, using PennDOT policies and procedures, may be submitted, provided that the additional requirements have been addressed, including providing accommodations for pedestrians, bicyclists, and transit.

(6) PennDOT policies and procedures for the preparation of a Transportation Impact Study should be followed when not defined in this chapter.

C. Timing. Any required transportation impact study shall be submitted at the same time or earlier as any preliminary plan, special exception, conditional use or construction permit application, whichever is submitted earliest.

D. Costs. The full costs of completing the study and of a review by the Township Engineer or other Township representatives or consultants shall be borne by the applicant.

E. Selection of professional. The applicant shall select a professional engineer or other individual of comparable credentials who is known for their expertise in transportation studies and who is acceptable to the Township. A summary of the traffic engineering/planning qualifications of the individual(s) who completed the study shall be included in the report.

F. Scoping meeting. Before completion of the study, the applicant or their professional shall discuss with the Township Engineer the study area, peak hours, background developments, design year, and any other critical study parameters. A PennDOT scoping application with a response from the Township Engineer satisfies this requirement.

G. Study area. The study area shall be limited to streets, intersections, and pedestrian facilities within 1/2 mile of the proposed project boundaries, except for a use projected to generate more than 3,000 trips per day which shall have a study area of one mile from the project boundaries. Additional critical intersections may be added to the study area at the discretion of the Township, as determined at the scoping meeting.

H. Joint studies. Joint transportation studies between different applicants are strongly encouraged.

I. Fees. In place of individual transportation studies, the Board of Commissioners may require that an applicant provide a fee in lieu of a study. This fee shall only be used towards the costs of transportation studies sponsored by the Township. Any such fee shall be established by resolution or ordinance of the Board of Commissioners.

J. Project description. Any study shall include a description of the proposed development, its proposed access and the surrounding street system. If a development is proposed to occur in stages, each stage shall be described and taken into account in the study. If the applicant owns other lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed, and shall be taken into account.

K. Existing traffic conditions. The traffic demand and service levels during the a.m. and p.m. peak hours shall be presented for all streets and intersections in the study area that can reasonably be expected to be significantly impacted. Traffic demands shall be based upon actual counts that occurred within the prior two years and not upon state estimates. The locations of all reportable crashes, as obtainable from PennDOT, within the study area during a recent three-year period shall be noted.

L. Planning. The study shall include a review of the Comprehensive Plan, Official Map, and Active Transportation Plan, summarizing any transportation planning (streetscape, sidewalk, trail, roadway, traffic calming, etc.) in the study area. Developments should consider road network connections to adjoining properties.

M. Multimodal. The study shall evaluate the existing facilities for pedestrians, bicycles, and transit in the study area. The applicant shall coordinate with LANTA to determine if bus stops or shelters are required. The applicant shall evaluate pedestrian and bicycle needs in the study area.

N. Expected traffic generation. The study shall include an estimate of the number of trips expected to be generated by the use and any future stages during the a.m. and p.m. peak hours. The Saturday and/or Sunday peak hour shall also be evaluated for developments with a notable weekend trip generation. If the traffic generation by the development would be more than 30% greater during any hour other than the a.m. or p.m. peak hour on adjacent streets, the study shall analyze both the peak hours for the development and for adjacent streets. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers (ITE), or its successor entity. If a land use does not have data provided by ITE, the data in ITE is inadequate, or not appropriate to the proposed land use, then counts of three comparable uses shall be provided to determine a weighted average rate.

O. Projected effects. The study shall take into account not only the use proposed by the applicant, but also other uses and developments that have received building

permits or preliminary subdivision or land development approval from a municipality. The study shall project peak-hour traffic volumes and levels of service on impacted intersections and streets. The study shall model the distribution and assignment of traffic through the study area.

P. Levels of service. The study shall use the description of the levels of service (A through F), for streets and highways established in the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, or its successor entity.

Q. Roundabouts. Entrances to the development and intersections with a collector or higher classification roadway in the study area shall be studied to determine whether a roundabout would be a suitable intersection control alternative.

R. Signal warrants. Entrances to the development and other unsignalized intersections with a collector or higher classification roadway in the study area shall be studied to determine whether a traffic signal is warranted by PennDOT criteria.

S. Needed improvements. The study may take into account traffic improvements which are clearly funded and will occur within the next two years. The study shall include suggestions for how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion, and a rough estimate of the cost of that improvement.

T. Applicant's response. The applicant shall respond to the transportation study with proposals on what transportation improvements, right-of-way dedications or commitments of financing for specific projects the applicant proposes to commit to resolve the negative transportation impacts of the proposed development. Such improvements or financing may be staged in relation to the stages of the development. The applicant may also agree to commit towards the long-term support of a program to reduce peak-hour traffic by private vehicles, through programs such as vanpooling, support of mass transit or staggered work hours, in place of certain structural improvements.

U. Completion of improvements. Any transportation improvements that are required as a condition of any approval under this chapter or Chapter 230, Subdivision and Land Development, shall be in place or sufficient funds committed in escrow acceptable to the Township prior to the issuance of any needed occupancy permit, or within a staged process agreed to at the time of approval.”

**SECTION 17.** Chapter 275 Zoning; Article XX *Additional Requirements for Specific Uses*; § 275-189 *Additional requirements for specific principal uses*; Subsection A *Each of the following uses shall meet all of the following requirements for that use* is amended as follows:

1. Parenthetical (71) *Prison*; Sub Parenthetical (k) is deleted in its entirety and replaced as follows-

“Service roads, access drives, driveways, security perimeter roadways, off-street parking areas, walkways, sidewalks: All shall be paved using steel reinforced concrete or flexible asphalt concrete.”

2. Add the following Parenthetical (77)-

“(77) Data Center

(a) Minimum lot area: 17 acres.

(b) Minimum lot width: 300 feet along all lot frontages with any public street.

(c) Emergency backup power and cooling systems shall be integrated into the facility design.

(d) A security fence shall be installed and maintained at a minimum of 30 feet from all adjacent residential lot lines, and a minimum of 15 feet from lot lines adjacent to nonresidential properties. The fence shall be constructed of commercial-grade, anti-climb chain link, ornamental steel, or similar material designed to provide security. The fence shall include features such as vertical pickets or mesh with openings no larger than 2 inches and may include additional security enhancements, such as angled tops or tamper-resistant fasteners. Barbed wire is specifically prohibited.

(e) All rooftop equipment that produces sound shall be fully screened from view and such screening shall be placed to shield the direction of emitted sound.

(f) All ground-mounted data center equipment that produces sound shall not be placed or operated on any side of a building that directly abuts a residential lot line or residential district.

(g) Data Center Equipment shall not be located between the principal structure(s) and the street upon which the parcel fronts.

(h) The use shall be setback a minimum of 500 feet from any lot line that directly abuts any residential use or residential district, 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.

(i) Any proposal including a data center use or introduction of additional data center equipment shall provide a preliminary sound study and an as-built sound study which examine all exterior utility functions of the building that produce sound. The sound studies shall identify compliance with § 275-132.

(1) The preliminary sound study shall be conducted as part of the conditional use process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the requirements of § 275-132.

(2) The as-built sound study shall be conducted six months after issuance of the certificate of occupancy or certificate of compliance. Results of the as-built sound study shall be provided to the Zoning Officer to determine compliance. Final escrow release shall not occur until compliance with this section has been determined and all measures necessary in order to comply with this section have been made.

(j) The use shall be provided with a water recirculation system that is sufficient to meet the water supply needs to the maximum extent possible. Whenever water is utilized for cooling purposes, a closed-loop system that requires only periodic refilling must be provided.

(k) Secondary outside air-cooling systems are required for utilization from October 1 through March 31 to reduce or eliminate water usage during those times.

(l) The use shall be designed to meet applicable local water utility and power supply requirements, and where appropriate, incorporate sustainability measures such as renewable energy sources, efficient cooling systems, and backup power provisions. Documentation from the applicable local water utility and power supply authority indicating adequate capacity for the use is available shall be provided as part of the conditional use process. An assessment identifying any detrimental impacts on electric or water utility rates or availability for other uses directly attributable to the Data Center shall be provided as part of the conditional use process. Use of nonpublic sources of water such as wells, groundwaters, and surface waters is strictly prohibited.”

(m) The applicant shall provide proof of review and approval from the Delaware River Basin Commission for projects proposing:

(1) Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Delaware River Basin; or

(2) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.

(n) The use shall be designed with shielding to protect against electromagnetic interference.

(o) As part of an application for conditional use for a proposed Data Center, the applicant shall submit an environmental impact study which shall be performed by an environmental engineer. The environmental impact study shall identify environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat, vibration, electrical disturbance, etc.) and specific measures employed to mitigate or eliminate any negative impacts. Measures to mitigate or eliminate negative environmental impacts are required to be utilized as part of the use.

(p) Emergency Management. The applicant shall submit an Emergency Response Plan prepared by a qualified professional as part of the conditional use process and shall include the following:

(1) Detailed procedures for fire suppression, containment, ventilation and evacuation.

(2) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for the emergency equipment within the site.

(q) A buffer yard complying with the requirements of §275-171.D shall be provided. The minimum required width of the buffer yard shall be 100 feet whenever the use is abutting a residential district or existing residential use.

3. Parenthetical (14) *Campground*; Sub parenthetical (a) *Campground*; Sub parenthetical [2] is deleted in its entirety and replaced as follows-

“[2] Each camping site shall be clearly designated on a plot plan submitted with the application for such use. Where site plan review in accordance with § 275-178 is required, a site plan shall be submitted clearly designating each camp site.”

4. Parenthetical (24) *Conversions to residential use and conversions increasing the number of dwelling units*; Sub parentheticals (m)-(o) are deleted in their entirety and replaced as follows-

“(m) To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell.

(n) Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that district for that particular use.”

5. Parenthetical (46) *Mineral extraction*; Sub parenthetical (m) is deleted in its entirety and replaced as follows-

“(m) Site plan review required when applicable. See § 275-178.”

6. Parenthetical (60) *School, public or private, primary or secondary*; Sub parenthetical (d) is deleted in its entirety and replaced as follows-

“(d) Site plan review required when applicable. See § 275-178.”

**SECTION 18.** Chapter 275 Zoning; Article XXI *Institutional Overlay District*; § 275-196 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 19.** Chapter 275 Zoning; Article XXIII *Planned Residential Development (PRD)*; § 275-211 *Procedures*; Subsection B *Application for tentative approval*; Parenthetical (2) *The application for tentative approval shall be accompanied by and include plans, documents and studies which contain or illustrate the following information*; Sub parenthetical (n) is deleted in its entirety and replaced as follows:

“(n) A site plan in accordance with § 275-178.”

**SECTION 20.** Chapter 275 Zoning; Article XXXII *Streetscape Enhancement Overlay District* is amended as follows:

1. § 275-260 *Purpose* is deleted in its entirety and replaced as follows-

“§ 275-260 Purpose.

A. Maintain and improve the streetscape on properties along major corridors in Bethlehem Township.

B. Enhance traffic flow by minimizing curb cuts.

C. Provide sidewalks and crosswalks.

D. Provide street trees and shade trees.

E. Provide pedestrian-scaled streetlights.

F. Provide bus shelters to enhance bus service.

G. Place new utilities underground.

H. Create streetscape improvements in accordance with the minimum requirements set forth in § 275-261.

I. Improve vehicular and pedestrian safety.”

2. § 275-261 *Minimum Requirements* is deleted in its entirety and replaced as follows-

“§ 275-261 Minimum requirements. The following minimum requirements shall apply to all proposed land developments on lots located within the Streetscape Enhancement Overlay District. The construction of new principal buildings that do not meet the definition of a land development, existing principal buildings proposed to be expanded by 500 square feet or greater, and existing principal buildings where the principal use is proposed to be changed shall only be required to meet the minimum requirements of § 275-261.C, § 275-261.D, § 275-261.E, and § 275-261.H. Unless otherwise stated herein, all improvements shall be in accordance with requirements in the Township Subdivision and Land Development Ordinance and Township Standard Construction Documents.

A. Building placement. The edges of the street corridor within the Streetscape Enhancement Overlay District shall be defined and reinforced by building facades in accordance with the standards below.

(1) Principal building setback from right-of-way: no less than five feet and no greater than 50 feet.

(2) All proposed building expansions of 500 square feet or greater to existing principal buildings within Streetscape Enhancement Overlay District shall have a

setback from a designated streetscape enhancement area right-of-way of no less than five feet and no greater than 50 feet.

B. Parking placement

(1) No parking lots and/or parking spaces, except for approved on-street parking, shall be permitted between the front facade of a principal building and a designated streetscape enhancement area cartway.

(2) Parking lots located within 25 feet of a streetscape enhancement area right-of-way shall be screened from the street with a combination of features such as masonry walls, fencing, piers and landscaping with a masonry wall no less than four feet in height in accordance with Subsection J(4). The masonry wall shall be constructed parallel to the street right-of-way and should be aligned with the front facade of the principal building.

C. Sidewalks.

(1) Sidewalks shall be provided along the entirety of a streetscape enhancement area right-of-way, either within the right-of-way or public access easement.

(2) Sidewalks shall be constructed generally parallel to the streetscape enhancement area right-of-way along the entire frontages of all parcels within the Streetscape Enhancement Overlay District.

D. Street trees.

(1) Street trees shall be provided at regular intervals along the entirety of a streetscape enhancement area right-of-way, but outside of the ultimate right-of-way.

(2) One street tree shall be provided for every 50 linear feet of lot frontage abutting each side of a streetscape enhancement area right-of-way.

(3) Street trees, at the time of planting, shall be no less than three to 3 ½ inches in caliper and shall be in accordance with the latest edition of the “American Standard for Nursery Stock” of AmericanHort.

(4) All street trees shall be one of the species, or similar types, listed in § 230-71A.

E. Curbs. Concrete curbs shall be provided along the entirety of a streetscape enhancement area cartway.

F. Curb cuts and road accessways for driveways.

(1) Curb cuts and road accessways for driveways should be minimized along the streetscape enhancement area cartway. Where possible, vehicular access to parking areas shall be provided from alleys and/or service roads at the rear of parcels which front on a streetscape enhancement area cartway, or from a side street on a corner lot.

(2) In circumstances where the Township determines that it is not possible to provide vehicular access to parking areas from alleys and/or service roads, curb cuts which are provided where a driveway or accessway intersects a streetscape enhancement area cartway shall not exceed 24 feet in width, or as otherwise approved by PennDOT.

(3) In circumstances where a driveway or vehicular accessway must cross a sidewalk, or other pedestrian way, the sidewalk pattern and material shall have physical precedence and shall not be physically interrupted by bituminous paving of a driveway or vehicular accessway.

(4) Driveways that do not conform to the standards herein shall be brought into conformance with all applicable standards under the following conditions:

(a) When a new driveway permit is requested;  
(b) When modifications to an existing driveway permit are requested;

(c) When the property owner or applicant applies for a change in property use that will generate more vehicle trips than the existing use; or

(d) When an expansion of an existing use will result in more vehicle trips.

G. Pedestrian crosswalks.

(1) Pedestrian crosswalks shall be provided at streetscape enhancement area intersections.

(2) Pedestrian crosswalks shall conform to PennDOT specifications.

(3) Pedestrian signals shall be provided, as supported by a traffic impact study and as approved by PennDOT.

H. Pedestrian-scaled, ornamental streetlights.

(1) Pedestrian-scaled, ornamental streetlights shall be provided at regular intervals along the streetscape enhancement area right-of-way.

(2) One pedestrian-scaled, ornamental streetlight shall be provided for every 100 to 140 linear feet of frontage along the entirety of a streetscape enhancement area right-of-way.

(3) Pedestrian-scaled, ornamental streetlights, shall be 12 to 20 feet in height, measured from the mounting surface to the top of the fixture.

(4) Pedestrian-scaled, ornamental streetlight fixtures shall conform to the Illumination Engineering Society of North America (IESNA) “full cutoff” criteria.

(5) Pedestrian-scaled, ornamental streetlights shall have a matte black finish.

(6) At least one streetlight shall be installed at each street intersection and at any pedestrian street crossing other than at street intersections.

I. Street edges. Frontages within the Streetscape Enhancement Overlay District shall be defined and reinforced by building facades, masonry walls or fences with masonry piers, continuous hedge row, and related landscape improvements to establish street edges in accordance with the standards below.

(1) Street edges shall be provided along the entirety of a streetscape enhancement area right-of-way. Street edges shall establish a continuous vertical boundary, except where vehicular and pedestrian accessways are located or to avoid a sight triangle obstruction, parallel to the streetscape enhancement area right-of-way.

(2) Shall be installed at or consistent with the grade of the adjacent sidewalk.

(3) Street edge setback from right-of-way: no less than five feet and no greater than 25 feet, or at the perimeter of a required sight triangle where a conflict exists.

(4) Masonry walls, fences with masonry piers, hedges, and related landscape improvements shall be, to the extent practicable, aligned with the front facade of the primary building.

(5) Masonry walls and piers shall be faced with stone, brick, cultured stone veneers, and/or calcium silicate masonry units.

(a) Shall have a wall cap at least two inches thick, which overhangs the vertical face of the wall by at least one inch.

(b) Caps shall be composed of stone, brick, calcium silicate masonry units, and/or precast concrete.

(c) Shall be no less than four feet in height measured from the ground to the top of the wall or column.

(d) Faced with brick or calcium silicate masonry units shall have pilasters spaced at intervals no greater than 12 feet on center.

(e) Pilasters/Columns shall project horizontally no less than two inches beyond the vertical plane of the wall face.

(6) Fences shall be composed of solid wood, solid steel, PVC composites or industrial-grade tubular aluminum.

(a) Fences shall be no less than three feet, six inches in height measured from the ground to the top of the fence.

(7) Hedges shall be composed of shrubs no less than 30 inches in height.

(a) Shrubs shall be spaced at intervals to form a continuous visual screen within four years.

(b) Hedges shall be composed of the following shrub species and/or cultivars, or a species and/or cultivar of similar types, subject to Township approval:

(i) Buxus – Boxwood varieties

(ii) Ilex glabra – Inkberry

(iii) Ilex x meserveae “China Girl” – China Girl meserve holly

(iv) Itea virginica – Virginia sweetspire

(v) Taxus baccata – Irish yew

(vi) Taxus x media “Hatfieldii” – Hatfield yew

(v) Taxus x media “Hicksi” – Hicks yew

(vii) Prunus laurocerasus – Cherry Laurel

(viii) Viburnum x carlcephalum – Fragrant viburnum

(ix) Viburnum dentatum – Arrowwood viburnum

(x) Viburnum nudum “Winterthur” – Winterthur witherwood viburnum

#### J. Bus shelters.

(1) Bus shelters shall be provided at all designated public transportation stops within the Streetscape Enhancement Overlay District, unless expressly declined by LANTA.

(2) All bus shelters shall be designed to meet Lehigh and Northampton Transportation Authority standards.

(3) A concrete pad to the curb shall be provided at all bus stop locations and shall be designed to meet LANTA standards, unless expressly declined by LANTA.”

3. §§ 275-262 *Limitations posed or presented by existing conditions*; 275-263 *Street cross-sections and examples*; and, 275-264 *Designated streetscape enhancement area* are deleted in their entirety.

**SECTION 21.** Chapter 275 *Zoning*; Article XXXIII *HM Highway Maintenance District*; § 275-270 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

**SECTION 22.** Chapter 275 *Zoning*; Article XXXIV *GU Gaming Uses Overlay District*; § 275-284 *Additional requirements*; Subsection C is deleted in its entirety and replaced as follows:

“C. Site plan review when applicable. See § 275-178.”

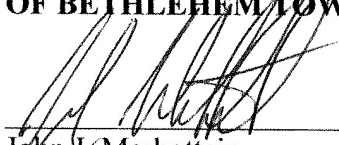
**SECTION 23. SEVERABILITY.** The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

**SECTION 24. 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.

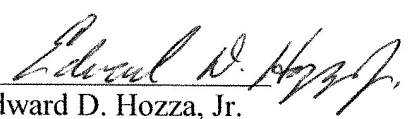
**SECTION 25. EFFECTIVE DATE.** This Ordinance shall be effective five (5) days after adoption.

**ORDAINED** and **ENACTED** this 1<sup>st</sup> day of June, 2026, at a regular public meeting after public hearing thereon.

**BOARD OF COMMISSIONERS  
OF BETHLEHEM TOWNSHIP**

  
\_\_\_\_\_  
John J. Merhottein  
President

ATTEST:

  
\_\_\_\_\_  
Edward D. Hozza, Jr.  
Township Manager