



City of Allentown
Staff Report

All comments in the
report are advisory.

To: Allentown City Planning Commission
From: Bureau of Planning & Zoning
Mike Handzo, Zoning Supervisor (Michael.Handzo@allentownpa.gov)
Meeting Date: March 11, 2025

Proposal: Comment on Bill No. 16 – 2025
Zoning Ordinance Text Amendment Request
Revise Definition of COMMUNITY CENTER to Include Meal Service
Location: Citywide
Petitioner: RCI Village Properties & Lehigh County Conference of Churches
Case # Bill 16 – 2025

Description

1. Petitioner requests a change to the definition of **COMMUNITY CENTER** included in Section 660-6 of the Zoning Ordinance to more readily facilitate the provision of meals in a social service setting.
2. The definition in question currently reads as follows:

COMMUNITY CENTER – A building used for recreational, social, educational, and cultural activities owned and/or operated by a public or nonprofit group or agency. The use may also include the nonprofit preparation and provision of meals for senior citizens. Any residential uses or a treatment center shall only be permitted if they also comply with the requirements for such a use.
3. Petitioner proposes that the second sentence of the definition, regarding meals for senior citizens, be struck. No further text amendments, map changes, or rezoning requests are proposed.
4. Petitioner's organizations operate facilities within City limits that would be classified as COMMUNITY CENTERS. Furthermore, RCI Village Properties' Special Exception application for a community center at 1539-1551 Chew St was denied in 2024 by the Zoning Hearing Board (ZHB). The ZHB decision cited concerns that the applicant failed to prove the use would not negatively impact the residential neighborhood and that the proposed use exceeded the existing definition of a community center. This decision is the subject of ongoing litigation between RCI Village Properties and the ZHB.

Current Zoning for Community Centers

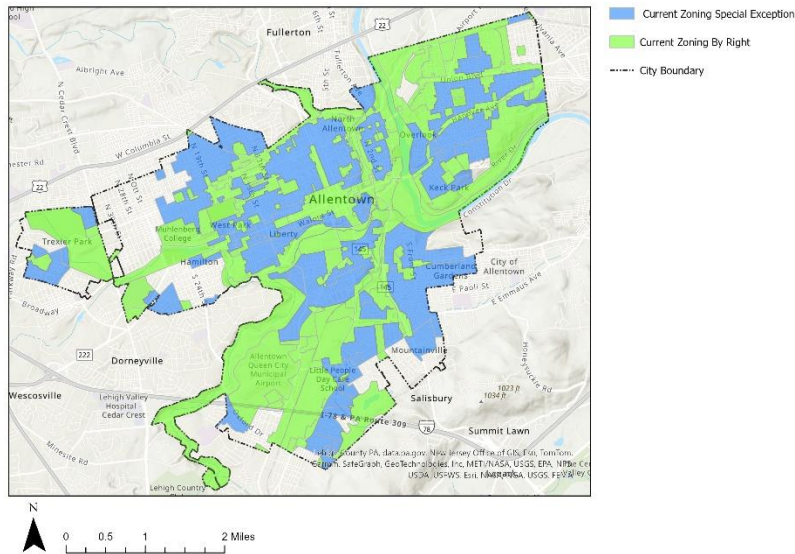


Figure 1. Locations where *COMMUNITY CENTERS* are permitted under current Zoning Ordinance.

New Zoning for Community Centers

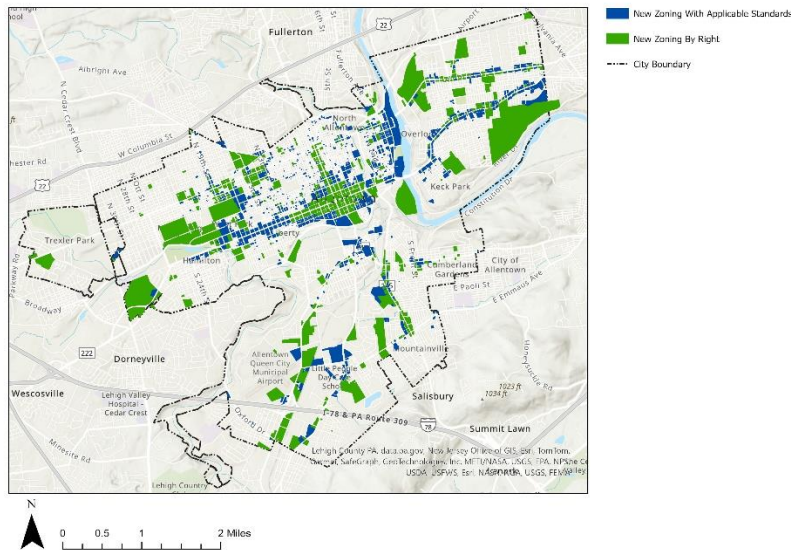


Figure 2. Locations where *COMMUNITY CENTERS* would be permitted under the proposed Zoning Ordinance.

include auditoriums, stadiums, convention centers, arenas, schools, or sports facilities that are separately classified and regulated.

This definition does not set any conditions on meal service at a community assembly, so the new ordinance would effectively address Petitioner's request.

Findings, Comments

5. Under the current Zoning Ordinance, a **COMMUNITY CENTER** use is permitted by right in the following locations: all business districts except the Innovation and Workforce Development District (B/IWD); all industrial districts; and the Institutional and Governmental (I-G) Zoning District. It is permitted by special exception in all residential districts except those designated as "low density" (R-L and R-LC). (*See Figure 1.*)

6. Under the proposed Zoning Ordinance, this use would be classified as a **COMMUNITY ASSEMBLY**. This use is permitted, either by right, with additional standards, or by special exception, in all mixed-use zones as well as the P2 zone. (*See Figure 2.*)

7. The proposed definition of **COMMUNITY ASSEMBLY** reads as follows:

Use	Category	Description.
Facilities for hosting public or private meetings including senior centers, community centers, fraternal organizations, membership clubs, and places of worship. This category includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not		

8. While community center meal programs are likely to differ in frequency and intensity, some programs may produce periods of high-intensity use and increased traffic. Under the proposed Zoning Ordinance, these types of facilities are confined to generally mixed-use areas that, while spread liberally throughout the City, are suited to uses with some degree of intensity. Under the

current Zoning Ordinance, these facilities may be located throughout residential districts that primarily host lower-intensity residential uses. However, the current ordinance establishes community centers as a special exception use in residential districts. The special exception process, requiring ZHB approval, provides a safeguard against specific instances of this use incompatible with the character of their surroundings.

9. Petitioner asserts that "senior citizens" is not defined within the Zoning Ordinance, and staff concurs with this assertion. The current provision restricting meal provision to senior citizens would be difficult to enforce, and ambiguities could leave enforcement open to legal challenges. Petitioner is correct that this term is not defined, and social and human services programs utilize multiple definitions of "senior citizen." Furthermore, it would be difficult for a reasonable operator of a community center to ascertain whether a meal patron was a "senior citizen" without gathering demographic data.
10. The proposed amendment raises a potential question of legal necessity. The Zoning Ordinance includes provisions for an **ACCESSORY BUILDING, STRUCTURE OR USE**, defined as:

A building, structure, use or portion of a building, structure, or use customarily incidental or subordinate to the principal building, structure, or use and located on the same lot with such building, structure or use...

In many contexts, meal provision at a community center could be justifiably interpreted by a zoning officer as "customarily incidental" to the primary recreational, social, educational, and cultural activities of the facility.

Legal guidance may be warranted as to whether meal provision could be seen as "customarily incidental" to a community center use, and therefore an accessory use, in all cases. In this circumstance, the proposed amendment may not be necessary despite the definitional language concerning meals for senior citizens. The zoning officer is required to read the zoning ordinance literally under the provisions of the PA Municipalities Planning Code. While the definition in question suggests a community center may provide meals to senior citizens, it does not state meal service shall be limited to senior citizens.

11. The proposed amendment is compatible with the goals of Vision 2030. Chapter 4, *Services and Amenities*, Principle 2, states, "Enhance Access to Local Essential Services and Amenities." Improvements and investments in community centers are identified as a catalytic action to promote this goal. Meals can clearly be seen as a "local essential service," and broader provision of meals through community centers would aid said facilities in improving their programming to meet community needs.
12. The proposed text amendment has been submitted to the Lehigh Valley Planning Commission for review and advisory comment simultaneously to the Allentown City Planning Commission review process. As of the finalization of this report (March 4, 2025), LVPC comments were still pending.

Conclusion

13. Petitioner's request to remove language concerning provision of meals to senior citizens from the definition of **COMMUNITY CENTER** is non-controversial when examined from multiple angles. The issue is ostensibly time-limited in nature, as the language in question is limited to the current Zoning Ordinance which is undergoing a comprehensive rewrite. Even assuming the current Zoning Ordinance remains in effect indefinitely, the proposed amendment is generally compatible with

both Vision 2030 and the public health, safety, and general welfare. It further would eliminate ambiguity in the definition of **COMMUNITY CENTER**, and ambiguous construction impedes zoning ordinance interpretation. For the reasons listed above, staff recommends that ACPC comment favorably on the proposed text amendment.