

MICHAEL P. HANLON



CITY CLERK

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March 16, 2023

Jennifer Gomez
Director of Planning and Zoning
City Hall, Allentown, PA 18101

Jill Seitz
Senior Community Planner
Lehigh Valley Planning Commission
961 Marcon Boulevard
Suite 310
Allentown, PA 18103-9397

Hello Jennifer and Jill:

Bill 23 was introduced at the March 15, 2023 City Council meeting. The bill, map, and petition are attached.

This Bill is hereby referred to the Planning Commission and the Lehigh Valley Planning Commission for review and recommendations.

Please submit your report to this office.

Very truly yours,

Michael P. Hanlon
City Clerk

Cc: Council
Mayor Matt Tuerk
Charlie Schmehl, Urban Research and Development Corp. – cschmehl@urdc.com
Abraham Atiyeh - abe7777@icloud.com
Christian Brown, Chairman of the Planning Commission
Brian Borzak, Engineering
Matthew Kloiber, City Solicitor

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 23 - 2023

MARCH 15, 2023

AN ORDINANCE

Amending the Zoning Ordinance of the City of Allentown by allowing Elementary or Secondary School in an I3 zoning district if the subject lot is immediately adjacent to or directly across the street from a residential zoning district, and providing for a repealer clause, a severability clause, and an effective date.

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

SECTION ONE: That the following amendment be made to the Zoning Ordinance of the City of Allentown: 660 Attachment 8, Notes to Tables of Permitted Uses (§ 660-49) and adding Note OO, to read as follows:

ZONING

660 Attachment 4

City of Allentown

Permitted Institutional Uses by Zoning District (§ 660-49)

P = Permitted by right use, with a zoning decision by the Zoning Officer

SE = Special exception use, with a zoning decision by the Zoning Hearing Board pursuant to the procedures and criteria for approval contained in Article IV of Chapter 660

N = Not permitted

NOTES: The letters in parenthesis, e.g. (A), refer to notes found in the “Notes to Table of Permitted Uses.” Other articles of Chapter 660 containing additional requirements are also referenced in this table; however, in both cases such references are not exhaustive.

INSTITUTIONAL USES (See definitions in Article II)	REFERENCE	R-H	R-MH	R-M	R-MP	R-ML	R-L	R-LC	B1/R	B2	B3	B4	B5	B/IWD	B/LI	I2	I3	P	I-G
Elementary or Secondary School	Article XV	SE	SE	SE	SE	SE	N	N	P	P	P	P	P	P	P	N-SE (OO)	N-SE (OO)	N	P

ZONING

660 Attachment 8

City of Allentown

Notes to Tables of Permitted Uses (§ 660-49)

[Amended 3-17-2021 by Ord. No. 15684]

...

Note (OO) = All of the following shall apply:

- 1) An elementary or secondary school shall only be allowed in the I2 and I3 districts if the subject lot is immediately adjacent to or directly across the street from a Residential zoning district and another Institutional Use. For the purposes of this note, the term Institutional use shall mean a use listed in the table under Institutional Uses in 660 Attachment 4 in Section 660-49.
- 2) In the I2 and I3 districts, a buffer in accordance with Section 660-76 “General Regulations for Buffer Strips” shall apply on the subject property along the side and rear property lines that directly abut an industrially zoned lot, in order to separate the school from existing or potential industrial uses.
- 3) The “Additional Requirements for Specific Uses” for primary and secondary schools that are provided in Section 660-84(A)(36) shall apply.”

SECTION TWO: All Ordinances, Resolutions and/or other Regulations inconsistent with the above provisions are repealed to the extent of their specific inconsistency with this Zoning Ordinance Amendment.

SECTION THREE: The provisions of this Ordinance are declared to be severable, and if any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any of the remaining provisions, sentences, clauses, sections, terms, phrases or parts of this Ordinance.

SECTION FOUR; This Ordinance shall become effective ten (10) calendar days after the date of adoption.

REZONING REQUEST PETITION

City Council
Allentown, PA 18101
TELEPHONE: (610) 437-7556
FAX: (610) 437-7554
EMAIL: Michael Hanlon
Tawanna L. Whitehead

Date 11/28/2022 , Revised 2/20/23

michael.hanlon@allentownpa.gov
tawanna.whitehead@allentownpa.gov

Members of City Council:

We, the undersigned and interested parties, hereby request your honorable body to rezone the following tract of land or amend the zoning code in the following manner. The rezoning request shall be attached to this form in the exact manner the petitioner expects the legislative body to act on and meet all the requirements relating to the legislation.

We request that the City Council consider a text amendment to allow "elementary and secondary schools" to be placed in the I2 and I3 district, but only if the property is directly adjacent to an existing residential zoning district and an existing institutional use.

This provision would function similar to a current provision that allows properties in an industrial district to be converted to residential uses if they are adjacent to a residential district.

from _____ zoning classification to _____ zoning classification. A legal description of the property to be rezoned must be included with this application. Attach any necessary additional information. A change to the zoning district is not proposed.

The reason for this rezoning is: The current I3 Industrial district in the vicinity of 2268 S. 12 St. is currently immediately adjacent to an existing RM Residential zoning district on the east side of S. 12th St. Providing an option for a school in these border areas would allow for a logical transition between different existing land uses. The property is currently occupied by a circa 1980 office building which has been unsuccessfully marketed for office tenants. If the zoning is approved, the property is intended to be used for the Lehigh Valley STEAM Academy. The draft amendment was revised to incorporate input from the City's Community Development and Zoning Staff, including adding a limitation that the school must be next to an
NAME existing institutional use. ADDRESS

Landowner: Exchange 32 LLC 1177 6th St. Whitehall PA 18052
Tenant: Lehigh Valley Steam Academy Charter School, Inc. 2236 S. 12 St., Allentown PA 18103

Send or deliver this petition, along with \$1,000 check to cover administrative costs, payable to the "City of Allentown." In addition the petitioner must pay in full all costs incurred in publishing the legally required advertising for the Map or Zoning Code Amendment.

Petitions for zoning map and zoning amendments can be found on the City website or by contacting the City Clerk's Office. A written Petition for a Zoning Map Amendment (Rezoning) may be submitted to City Council by a citizen. It must be notarized and signed by the owners of 50% or more of the land proposed to be rezoned, and it must be submitted together with a check in the amount of \$1,000.00 payable to the City of Allentown, to the City Clerk's Office, 435 Hamilton Street. A written petition for a Zoning amendment may be submitted to City Council by a Citizen and it must be submitted together with a check in the amount of \$1,000.00 payable to the City of Allentown, to the City Clerk's Office, 435 Hamilton Street. In addition, the petitioner must pay in full all costs incurred by the City in publishing the legally required advertising for the Map or Zoning Code Amendment prior to final Council Action. (Ordinance 15503 adopted 12/5/18)

City Clerk
City Hall
Room 510
435 Hamilton Street

GENERAL REZONING REQUEST PROCEDURES

1. The request must be submitted in legislative format to City Council, c/o City Clerk, signed by the owners and/or authorized agent on forms supplied by the City. The proposed legislation should include a specific description of the area to be rezoned and/or the zoning changes to be made, appropriate maps and be in the form the petitioner desires the proposal to be acted on. .
2. Upon receipt, the proposal is placed on the next available Council agenda for the First Reading.
3. After First Reading, said bill is referred to the Allentown City Planning Commission and Lehigh Valley Planning Commission for their review and recommendation. This must occur at least thirty (30) days prior to the date of the public hearing. A copy is also placed in the county law library.
4. After receiving all appropriate reports from the Lehigh Valley Planning Commission and the Allentown Planning Commission, and at the discretion of the Council President, the City Clerk scheduled a public hearing.
5. The public hearing is scheduled, based upon the advertising requirement for public notice as required by law, (to be advertised two (2) consecutive weeks, not less than 7 days nor more than 28 days before the public hearing). A good faith effort must be made to notify the effected property owners within 30 days prior to the public hearing.
6. A copy of the request for advertisement is sent to Planning enabling them to "post" the property. This posting must occur at least one (1) week prior to the public hearing.
7. City Council holds the public hearing. If acceptable by City Council said bill may be placed on Council's agenda at its regular meeting the same day as the public hearing. Council will then act on the bill for final adoption.

Should any significant changes to the original bill be made by City Council, said changes must be referred back to the Allentown City Planning Commission and Joint Planning Commission for review.
8. A copy of the amendment to the Zoning Ordinance shall be forwarded to the Joint Planning Commission within thirty (30) days after enactment.
9. Pursuant to Section 108 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. § 10108, the person providing notice as authorized by this section shall provide proof of publication to the municipality adopting the ordinance or decision for retention with municipal records.