

**WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____
BILL NO. 30-2021
(Duly Adopted _____)

AN ORDINANCE AMENDING CHAPTER 27 (ZONING) OF THE WHITEHALL TOWNSHIP ZONING ORDINANCE OF 1989 BY ADDING CONDITIONAL AND PERMITTED USES IN THE C-2, REGIONAL/COMMUNITY COMMERCIAL DISTRICT, INCLUDING THE USE OF COORDINATED COMMERCIAL DEVELOPMENT, TO SECTION 27-80.D AND PROVIDING CRITERIA FOR THE COORDINATED COMMERCIAL DEVELOPMENT USE IN SECTION 27-80.G; ADDING ADDITIONAL PERMITTED USES TO SECTION 27-80A; ADDING DEFINITIONS OF WORDS TO SECTION 27-94A. (Planning Commission)

WHEREAS, the Whitehall Township Board of Commissioners adopted a revised Zoning Ordinance in 1989; and

WHEREAS, pursuant to Section 609 of the MPC, 53 P.S. 10609, the Township is authorized and empowered to enact amendments to the Whitehall Township Zoning Ordinance after public hearing thereon pursuant to public notice; and

WHEREAS, the Board of Commissioners of Whitehall Township has conducted a public hearing pursuant to public notice concerning the following amendment to the Whitehall Township Zoning Ordinance; and

WHEREAS, after public hearing pursuant to public notice, the Board of Commissioners of Whitehall Township desires to ordain and enact the amendment to the Whitehall Township Zoning Ordinance as set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners for Whitehall Township and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1. AMENDMENTS TO ZONING ORDINANCE

1. The Whitehall Township Zoning Ordinance of 1989 is hereby amended by adding to Section 27-80.D - Conditional Uses; the following:

“(14) Coordinated Commercial Development”

2. The Whitehall Township Zoning Ordinance of 1989 is hereby amended by adding to Section 27-80.D the following subsection “G”:

G. Coordinated Commercial Development.

1. Two or more commercial structures are permitted on one lot as a Coordinated Commercial Development.
2. The uses permitted in a Coordinated Commercial Development are:
 - a. Amusement Facilities
 - b. Art Gallery/Crafts/Artisan Studio
 - c. Bank/financial institutions
 - d. Barber/beauty shops
 - e. Micro/craft breweries & distilleries and tasting rooms in conjunction with restaurant/tavern
 - f. Daycare centers
 - g. Dry cleaners
 - h. Educational institutions
 - i. EV Fueling Stations¹
 - j. Farmers Market
 - k. Florist shops
 - l. Grocery stores
 - m. Hotels, provided that a hotel must include banquet and meeting facilities
 - n. Indoor recreation facilities and personal training facilities
 - o. Indoor theaters except adult entertainment facilities
 - p. Meals to go preparation/assembly
 - q. Offices
 - r. Pet Daycare/Grooming
 - s. Restaurants, fast food, standard, drive-in and taverns
 - t. Retail stores
 - u. Service establishments
 - v. Small product assembly/small retail
 - w. Cyber/online or telephone shopping pickup locations¹
 - x. Self-Storage facilities
 - y. Shared use micro-mobility personal transportation facilities¹
3. The minimum lot size for any Coordinated Commercial Development shall be five (5) acres.
4. Each structure may contain one (1) or more of the permitted uses.
5. The number of required off-street parking spaces for each use in the Coordinated Commercial Development initially shall be calculated based upon data published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), subject to a reduction in total parking based on the shared parking concept set forth below. As part of the conditional use review, the Board of Commissioners shall approve modifications to the off-street parking requirements, based upon the following:

¹These uses may be considered as principal uses or as accessory uses to a permitted use.

- a. The purpose of this provision shall be to minimize the amount of land utilized for parking but still ensure that adequate parking is provided.
 - b. Applicant shall be required to prove to the satisfaction of the Board of Commissioners that a lesser number of spaces is sufficient.
 - c. Applicant can provide evidence justifying the proposed reduced number of spaces, including, but not limited to, data published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI) studies of similar developments during their peak hours, the number of employees, peak expected number of customers and visitors, shared use of the facilities, availability of public transit or a long-term commitment for a shuttle service for the public or employees. If future use of parcel changes to uses not listed herein then additional standards pursuant to Article XI of this same chapter will apply.
 - d. The uses in the Coordinated Commercial Development may provide for required off street parking in a common parking lot, so long as the total space provided is the number of spaces required by the Board of Commissioners in accordance with the method set forth above.
6. All development shall occur as part of a unified site plan with high-quality architectural schemes that are complementary. Applicant shall submit a coordinated set of drawings and reference photographs of buildings, street views, landscaping, architectural design, pedestrian access and vehicular circulation. The design materials shall depict:
- a. architectural and landscaping standards;
 - b. a common signage scheme;
 - c. exterior building elevations including materials and facade treatments;
 - d. sidewalks, crosswalks, streetscape, buffer areas, fences and walls;
 - e. screening of parking areas when abutting a residential use;
 - f. lighting, meeting the requirements of this Zoning Ordinance, and
 - g. all other amenities proposed within the development such as outdoor seating areas, pavilions, gazebos, benches, trash receptacles and the like, including the improvements to the open space required by Paragraph G.10 hereof (“Outdoor Amenities”).

The buildings in the Coordinated Commercial Development may include Architectural Projections above the ground, e.g., elevated pedestrian bridges between buildings, stairs, escalators, patios, indoor and outdoor areas, design elements, etc. If the Architectural Projections do not interfere with the Outdoor Amenities located on the ground and/or green roof deck below, then the areas of the Architectural Projections shall not eliminate the Outdoor Amenities areas below from inclusion in the calculation of the minimum required Outdoor Amenities area.

7. To the extent possible, new development or uses shall respect the existing businesses, structures, and character of the area in and around the development. Any new design shall incorporate a development scheme designed to create

harmonious and cohesive neighborhood or development patterns and utilize high-value engineering and high-quality materials.

8. No less than 40% of the ultimate Coordinated Commercial Development, measured as a percentage of the gross floor area, shall be constructed upon issuance of building permits. No certificates of occupancy shall be issued for any use or structure within the development until at least 60% of the site is constructed. All structures and amenities shall be designed in accordance with the approved land development plan, including the approved project design components set forth in Paragraph G.5 above to the review and reasonable satisfaction of the Township prior to issuance of building permits.
9. Structures may either be joined by common walls or may be separated. The entire Coordinated Commercial Development shall be considered as a single parcel without regard to ownership. Driveways and parking areas shall be available to all structures through agreements which assure adequate parking and access in accordance with this Ordinance. Applicant may exercise shared parking options as set forth in this Ordinance with demonstration of compliance submitted and reviewed to the reasonable satisfaction of the Township.
10. All layout and design components of a proposed Coordinated Commercial Development shall provide for generous pedestrian interconnectivity between structures and site users. These sidewalks or pathways shall be shown on all development plans.
11. To encourage the Outdoor Amenities, and other design enhancements the following changes to the dimensional requirements of § 27-80.E are allowed provided that the Coordinated Commercial Development meets the criteria set forth below:
 - a. The front yard of any lot containing a Coordinated Commercial Development and abutting more than one public road shall be the yard abutting the public road of highest classification. The rear yard shall be the yard opposite the front yard and the other yards shall be side yards.
 - b. Side and rear yard setbacks shall be 15 ft. However, when there is no public road separating the lot containing the Coordinated Commercial Development from a lot in a Residential zone, the setback shall be increased to 50 feet. However, latitude and discretion is given to the Board of Commissioners and Planning Commission to allow deviations from this minimum during the conditional use review process in response to unique site characteristics of both the subject property and adjoining properties, and to permit this type of development to evolve to the changing needs of the commercial district. Conditions may be imposed by the Board of Commissioners as they deem necessary and appropriate, including a reduction of this setback.

- c. Maximum building height is 45 ft. as measured from the finished grade or the top of any green roof covering required parking, unless modified as set forth in subparagraph f below. Rooftop Common Amenities shall not be included in the measurement of height.
- d. Minimum building width per establishment: 25 ft.
- e. Maximum building coverage: 40% of the gross lot area.

To qualify for the dimensional requirements in subsections a-e above, the Coordinated Commercial Development shall include Outdoor Amenities areas that constitute no less than 25% of the land area on which the Coordinated Commercial Development is developed. The Outdoor Amenities shall contain at least six (6) of the following amenities: (i) swimming pools; (ii) spas; (iii) picnic or sitting areas; (iv) barbecue areas; (v) sports; (vi) walking and jogging paths; (vii) ponds and or gardens; (viii) pavilions, (ix) parks, including dog parks, and (x) children's playgrounds (xii) other similar amenities that may be proposed by developer and approved by the township as part of the review process as consistent with the intent of this ordinance. The Outdoor Amenities for at least 20% of the gross lot area shall be located on the ground and/or green roof level and consist of areas of contiguous Outdoor Amenities of no less than 1,000 square feet. Roof decks can be considered in the calculation of the Outdoor Amenities but may constitute no more than 5% of the gross lot area to meet the required 25% of the gross lot area for Outdoor Amenities. Further, Outdoor Amenities that do not include buildings may be located within required setback, easement, and buffer areas.

f. Notwithstanding the foregoing, the maximum building height for a Coordinated Commercial Development shall be increased to 65 ft., if the following conditions are met:

- (i) The Coordinated Commercial Development shall have 75% of its parking located subterranean.
- (ii) The required percentages of Outdoor Amenities as set forth above in this paragraph are increased to 30% of the gross lot area, and at least 25% of the gross lot area shall be located on the ground and/or green roof level and consist of no less than 1,000 square feet. Roof decks can be considered in the calculation of the Outdoor Amenities but may constitute no more than 5% of the gross lot area to meet the required 30% of the gross lot area for Outdoor Amenities.
- (iii) When there is a public road separating the lot containing the Coordinated Commercial Development from a lot in a Residential zone, the height of any building located within 35' beyond the required 15' setback shall not exceed 45'.
- (iv) Sufficient perimeter footing is provided to the satisfaction of the Fire Code Official

12. Along any lot line that abuts a Residential zone, Applicant shall install screening of the materials described in Section 27-89.B. The screening shall be 15 ft. in depth and can be placed within the required setback area.
13. The Outdoor Amenities required in Paragraph G.10 above may include green roofs. Green roofs shall be permitted to be installed on any building or structure in the coordinated commercial development, including at-grade on structures designed to for underground parking areas. As part of the land development review for a coordinated commercial development, the Township may approve the increase of the maximum impervious surface requirement of 70% set forth in this Zoning Ordinance up to 95% impervious surface, provided that the Applicant demonstrates that through the use of green roofs on structures and/or underground storm water storage within the coordinated commercial development, including but not limited to underground parking structures, the coordinated commercial development satisfies the storm water management requirements in the Township's Subdivision and Land Development Ordinance.
14. The Coordinated Commercial Development must be served by public water and public sewer.
15. The Whitehall Township Zoning Ordinance of 1989 is hereby amended by adding to Section 27-80.A the following:
 - (35) Small product assembly/small retail (like ETSY shoppes)
 - (36) Personal Trainer Gyms
 - (37) Micro/craft breweries & distilleries and tasting rooms in conjunction with restaurant/tavern
 - (38) Meals to go preparation/assembly
 - (39) Art Gallery/Crafts/Artisan Studio
 - (40) EV Fueling Station¹
 - (41) Farmers Market
 - (42) Pet Daycare/Grooming
 - (43) Cyber/online/telephone shopping pickup locations¹
 - (44) Self-Storage facilities
 - (45) Shared use micro-mobility personal transportation facilities¹

¹These uses may be considered as principal uses or as accessory uses to a permitted use.

16. Article XVI, Definition of Words, Section 27-94, Subsection “A” shall be amended by the addition of the following:

Self-Storage Facility – A building or group of buildings or structures containing separate, individual, and private storage spaces of varying sizes available for lease.

Shared Use Micro Mobility Personal Transportation - Small, low-speed vehicles which can either be human powered or electric which do not require a license to operate. Includes but may not be limited to bike-sharing, scooter sharing, etc. and may be docked or dockless.

17. The foregoing Legislative Findings are incorporated herein by reference and made a part hereof.

SECTION 2. SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any 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 impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners for Whitehall Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 4. REPEALER

Any ordinance, resolution and/or other regulation of the Township, or any parts of ordinances, resolutions and/or other regulations of the Township, including but not limited to all prior zoning ordinances and amendments or parts of prior zoning ordinances and amendments, including prior zoning maps, which are inconsistent herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or other regulations of Whitehall Township, Lehigh County, Pennsylvania shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective on the day after the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this ____ day of _____, 20__ by a majority of the Board of Commissioners of Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this

Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

BY: _____
Phil Ginder, President

Date

ATTEST:

Thomas Slonaker, Secretary

AND NOW, TO WIT, this ____ day of _____, 2021, the above is approved.

Michael P. Harakal Jr., Mayor