

CITY OF BETHLEHEM

Department of Community and Economic Development

Interoffice Memo

TO: Planning Commission members

FROM: Darlene L. Heller, Director of Planning and Zoning

RE: Zoning Ordinance Amendment to Articles 1304, Allowed Uses in Primarily Residential Districts, and 1322, Additional Requirements for Specific Uses, to create a new use, Health Care Adaptive Reuse, to be permitted in the RS and RT zoning districts.

Attached for your review and consideration is a proposal for the creation of an additional permitted use (Health Care Adaptive Reuse) as an Institutional/Semi-Public Use in the RS-Single Family Residential and RT-High Density Residential Zoning Districts.

FINDINGS

Section 1303.07 of the Zoning Ordinance describes the purposes of the RS and RT zoning districts as “medium density neighborhoods that are primarily comprised of single family detached dwellings” and “higher density residential neighborhoods with a mix of housing types”, respectively.

In the current Zoning Ordinance, “personal care homes or assisted living facilities” and “nursing homes and related facilities” are not permitted uses in the RS zoning district and are only permitted by special exception in the RT zoning district, which requires Zoning Hearing Board review and approval.

In both RS and RT zoning districts, Zoning Hearing Board approval is necessary, whether by variance or by special exception, to develop any of the above-listed health care related uses.

The proposed amendment creates a new use known as “Health Care Adaptive Reuse”; however, no clear definition of the use is provided in the amendment. In essence, assuming the satisfaction of all other criteria, a “Health Care Adaptive Reuse” appears to include the following uses: (a) in-patient and/or out-patient behavior health services and/or (b) a State-licensed Drug and Alcohol Treatment Facility that addresses substance abuse disorder. The Zoning Ordinance does not define “in-patient and/or out-patient behavior health services”. While the Zoning Ordinance references “behavioral health facility” in its definitions of “Hospital” and “Treatment Center” it does not separately define the term. Similarly, there is no distinct definition in the Zoning Ordinance for a “State-licensed Drug and Alcohol Treatment Facility that addresses substance abuse disorder.” The definition of “Treatment Center”, however, does include a use involving specialized housing, treatment and/or counseling because of “current addiction to a controlled substance that was used in an illegal manner or alcohol”. It would seem, therefore, that the uses included among “Health Care Adaptive Reuses”, to whatever extent they are defined, are among the types of facilities included in the definition of “Treatment Center”. While Treatment Centers are not permitted in the RS and RT districts, they are permitted by special exception in the CG (General Commercial), CS (Shopping Center), LI (Light Industrial), and IN (Industrial) districts.

The proposed amendment states that the new provisions for “Health Care Adaptive Reuse” would be applicable to lots of greater than one acre, located in the RS or RT zoning district, and currently occupied by an existing lawful Assisted Living Facility or Personal Care home. It is unclear how many parcels in the City would satisfy these criteria. There is also some uncertainty as to whether the amendment applies

only to Assisted Living Facilities and Personal Care Homes that would exist as of the enactment of the proposed amendment or that would exist on a given property at the time the property owner applied for a permit for a “Health Care Adaptive Reuse”, in which latter case, the potential number of properties affected by the amendment could be much greater.

The proposed amendment recommends that “Health Care Adaptive Reuse” be permitted by right (for qualifying parcels); however, aside from community recreation centers, places of worship, and primary and secondary schools, all other Institutional/Semi-Public uses are either not permitted or are permitted only by special exception in the RS and RT districts.

The proposed amendment does not permit expansion of the number of beds, height, setbacks and does not permit the reduction of parking spaces.

Under the proposed amendment, applicable licenses from State agencies are required prior to occupancy of the facility.

The proposed amendment notes that possible health care reuses may include “. . . in-patient and/or out-patient behavior health services and/or a State licensed drug and alcohol treatment facility that addresses substance abuse disorder”. These uses are not currently permitted in the RS or RT zoning districts.

ANALYSIS

Review of the proposed amendment must include possible effects of the revision throughout the City given that the number or location of additional parcels that could qualify for this amendment is unclear.

The Future Land Use section of the Bethlehem Comprehensive Plan promotes the protection of residential neighborhoods by promoting compatible land uses at appropriate densities. Additionally, it recommends differentiating between business uses that should be permitted near neighborhoods and those that should not.

The Comprehensive Plan’s Future Land Use section does not encourage uses other than residential in low density residential zoning districts such as the RS. As for high density residential districts such as RT, the Comprehensive Plan states that “[p]ortions of High Density Residential areas could also allow for offices, personal care/assisted living homes, nursing homes, funeral homes, day care centers, senior housing facilities and related uses.” Notably, the current Zoning Ordinance does permit, by special exception, personal care homes, assisted living facilities, nursing homes and related health care facilities, funeral homes, and day care centers in the RT district.

If the standards of the “Health Care Adaptive Reuse” are considered, the new use should still be listed in the use chart in similar fashion as other institutional uses in the RS and RT districts. In other words, the “Health Care Adaptive Reuse” would be more appropriately listed in the use chart of Article 1304 as Not Permitted in the RS zoning district and as a special exception in the RT zoning district to allow for consistency with other existing uses.

The proposed amendment creates a by-right use for “Health Care Adaptive Reuse” in the RS and RT districts, but not in the RG district, which is the City’s medium density residential district, *i.e.*, more dense than the RS district but less dense than the RT. It is unclear why the proposed amendment would exclude “Health Care Adaptive Reuses” from the RG district. If, for example, “Health Care Adaptive Reuse” is too intense for the RG district, it would logically follow that it is also too intense for the RS district.

Additionally, for clarity, a definition of the “Health Care Adaptive Reuse” should be provided to enable more meaningful review of the proposal.

Finally, Treatment Centers are provided for as permitted uses by special exception in other zoning districts.

RECOMMENDATION

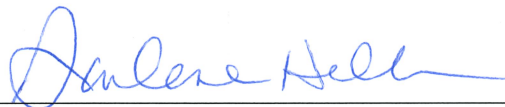
The Planning Bureau does not recommend approval of the proposed zoning amendment as written due to the following:

- The number and location of applicable parcels in the RT and RS remains unclear.
- The rationale for why "Health Care Adaptive Reuses" should be permitted in the RS and RT districts but not in the RG district is unclear.
- The newly proposed "Health Care Adaptive Reuse" requires more specificity in its definition.
- The proposed Institutional/Semi-Public use is not listed on the use chart in keeping with other Institutional/Semi-Public uses, specifically as not permitted in RS and only by special exception in RT.
- Treatment Centers are already provided for in the Zoning Ordinance as uses permitted by special exception in other zoning districts.

This item is placed on your December 12 Planning Commission agenda for consideration.

CC: Mayor Reynolds
L. Collins
C. Peiffer
Bethlehem Manor Village LLC

DATE: 12-10-24



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Director of Planning and Zoning