CITY OF BETHLEHEM

Department of Community and Economic Development
Interoffice Memo

TO: Planning Commission members

FROM: Cathy Fletcher, 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, Healthcare Adaptive Reuse, to be permitted in the RS zoning district.

Attached for your review and consideration is a proposal for the creation of an additional permitted use (Healthcare Adaptive Reuse) as an Institutional/Semi-Public Use in the RS-Single Family Residential District. The proposal is a revised draft ordinance submitted by Pennsylvania Avenue Development, LLC on July 9, 2026. It revises the proposal the Planning Commission reviewed and tabled on December 12, 2024, principally by limiting the new use to the RS district; the earlier version would also have applied in the RT district.

FINDINGS

Section 1303.07(c) of the Zoning Ordinance describes the purposes of the RS zoning district as "medium density neighborhoods that are primarily comprised of single family detached dwellings."

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 can only be permitted by variance, which requires Zoning Hearing Board review and approval.

The proposed amendment creates a new use known as "Healthcare Adaptive Reuse"; however, no clear definition of the use is provided in the amendment. In essence, assuming the satisfaction of all other criteria, a "Healthcare Adaptive Reuse" appears to include the following uses: (a) in-patient and/or out-patient behavioral health services and/or (b) a drug and alcohol treatment facility licensed by the Commonwealth of Pennsylvania that addresses substance abuse disorders. The Zoning Ordinance does not define "in-patient and/or out-patient behavioral 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 drug and alcohol treatment facility licensed by the Commonwealth of Pennsylvania that addresses substance abuse disorders." 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". Under Section 1302.144(e), "[a] behavioral health facility . . . shall qualify as a Treatment Center." Therefore, the uses included among "Healthcare Adaptive Reuses", to whatever extent they are defined, fall within the definition of "Treatment Center".

While Treatment Centers are not permitted in the RS district, 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 "Healthcare Adaptive Reuse" would be applicable to lots of one acre or greater, located in the RS zoning district, and currently occupied by an existing lawful Assisted Living Facility or Personal Care Home. The Zoning Officer has reviewed the City's assessment records for RS-zoned lots of one acre or more and identified four properties that could potentially qualify: 815 Pennsylvania Avenue (the applicant's property, a personal care home operating under a 2016 variance), 1304 Spring Street (an assisted living facility), 330 13th Avenue (senior living apartments), and 1220 Prospect Avenue (a residence for Catholic school employees). Of these, only 815 Pennsylvania Avenue and 1304 Spring Street are currently occupied by an assisted living facility or personal care home; the other two would qualify only if lawfully operated as such a facility. 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 "Healthcare Adaptive Reuse", in which latter case, the potential number of properties affected by the amendment could be much greater. The proposed amendment ties building height and setbacks to those existing "at the time of adoption of this subsection," but does not use the same language for the qualifying facility, the number of beds, or parking.

The proposed amendment recommends that "Healthcare Adaptive Reuse" be permitted by right (for qualifying parcels); however, aside from places of worship and primary and secondary schools, which are permitted by right, all other Institutional/Semi-Public uses, including community recreation centers, nursing homes, and personal care homes or assisted living facilities, are not permitted in the RS district.

The proposed amendment does not permit an increase in the number of resident beds or in building height, a reduction of building setbacks where a setback abuts the lot line of an existing dwelling, or a reduction in the number of off-street parking spaces.

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

The proposed amendment notes that "The use of qualifying properties may be adapted and changed for use as and for: a) in-patient and/or out-patient behavioral health services and/or b) a drug and alcohol treatment facility licensed by the Commonwealth of Pennsylvania that addresses substance abuse disorders." These uses are not currently permitted in the RS zoning district.

Section 1322.03(y) is already assigned in the current Zoning Ordinance, to both Group Home and Heliport. Section 2 of the proposed amendment would add the new provisions as another Section 1322.03(y) and renumber all following subsections of Article 1322, which could affect existing references to those subsections elsewhere in the Zoning Ordinance and in prior approvals. An unused designation, such as the Section 1322.03(y.1) proposed in the 2024 version, would avoid this.

The applicant's property at 815 Pennsylvania Avenue is used as a personal care home under use and dimensional variances granted by the Zoning Hearing Board on February 27, 2016, subject to seven conditions tied to that use. Because the proposed amendment would permit the new use by right on qualifying parcels, a change of use under the amendment would not require Zoning Hearing Board review, and the amendment does not address whether conditions of prior approvals would continue to apply.

Where Treatment Centers are allowed, they require special exception approval and must meet Section 1322.03(aaa), including a minimum distance of 800 feet from another Treatment Center, a minimum distance of 500 feet from the lot line of a school, public park or playground, day care center, college or university, and conditions the Zoning Hearing Board may impose to protect public safety. Because the proposed amendment would permit these uses by right, none of those standards would apply on a qualifying parcel in the RS district.

ANALYSIS

Review of the proposed amendment must include possible effects of the revision throughout the City given that the amendment does not clearly limit its application to facilities existing at the time of its adoption.

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.

Additionally, for clarity, a definition of the "Healthcare 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 amendment does not clearly limit its application to facilities existing at the time of adoption, so the number and location of parcels that could qualify in the future remain uncertain.
- The newly proposed "Healthcare 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.
- Permitting the new use by right would bypass the special exception review and Section 1322.03(aaa) standards that apply to Treatment Centers elsewhere, and would allow a change of use on a property now used under a variance, such as 815 Pennsylvania Avenue, without Zoning Hearing Board review.

- 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 November 12 Planning Commission agenda for consideration.

CC: Mayor Reynolds
L. Collins
C. Peiffer
M. Deschler

DATE: November 6, 2026

Catherine Fletcher

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Director of Planning and Zoning