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RESOLUTION NO. 2017-_____

WHEREAS, community interest has surfaced in steering the placement of hospitals and hospital-styled uses within the City of Bethlehem in more refined ways than recognized in the City Zoning Ordinance;

WHEREAS, the City Zoning Ordinance regulations pertaining to hospitals and treatment centers have certain ambiguities which deserve clarification, including the manner in which behavioral health facilities would be categorized thereunder.

WHEREAS, the City Council is originating a proposed Zoning Ordinance amendment pursuant to section 1326.02(a) of the Zoning Ordinance to address these issues, which proposal is attached hereto as Exhibit "A", for review and recommendations by and from by the City Planning Commission and Lehigh Valley Planning Commission, and all of which will be taken for further consideration by City Council.

NOW THEREFORE, be it resolved by authority of the City Council of the City of Bethlehem as follows:

1. Exhibit "A" attached hereto is declared to be a pending ordinance of the City of Bethlehem.
2. The Director of Planning and Zoning, the City Clerk and all other City officials are hereby directed to advertise to the public the intention of City Council to hold public hearings on such rezoning amendment and to submit the same to the City Planning Commission and the Lehigh Valley Planning Commission for recommendations, and take such other actions in the manner required by the Municipalities Planning Code and City ordinances.

Sponsored by: _____

ADOPTED by Council this _____ day of _____, 2017.

President of Council

ATTEST:

City Clerk

BILL NO. _____

EXHIBIT "A" TO RESOLUTION 2017-_____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, TO CLARIFY REGULATIONS PERTAINING TO BEHAVIORAL HEALTH FACILTITES

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 1302.56 of Zoning Ordinance of the City of Bethlehem which presently defines the term "Hospital" as follows:

Hospital. A building(s) which is licensed by the Pennsylvania Department of Health as a Hospital, and which involves the diagnosis and treatment of human ailments.

Shall be amended to read as follows:

Hospital. A building(s) which is licensed by the Pennsylvania Department of Health as a Hospital, and which involves the diagnosis and treatment of human ailments, and which may include behavioral health facilities and psychiatric hospitals operated in accordance with all laws and regulations, provided the behavioral health facilities occupy no more than 25% of the floor space of the hospital facilities directly associated with the diagnosis, care, treatment, and sleeping facilities of patients.

SECTION 2. Section 1302.132 of Zoning Ordinance of the City of Bethlehem which presently defines the term "Treatment Center" as follows:

Treatment Center. A use involving any one or a combination of the following:

- (a) A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
 1. criminal rehabilitation, such as a criminal halfway house, or a facility for the housing of persons judged to be juvenile delinquents, or a criminal work release or pre- release facility;

2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
 3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- (b) A residential or non-residential Methadone Treatment Facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health, other than a Hospital, to use the drug methadone in the treatment, maintenance or detoxification of persons.
- (c) A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.
- (d) A use that otherwise meets the definition of a Group Home, except that it includes a higher number of residents than is allowed in a Group Home, unless approved otherwise under Section 1325.07(d).

Shall be amended to read as follows:

Treatment Center. A use involving any one or a combination of the following:

- (a) A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
1. criminal rehabilitation, such as a criminal halfway house, or a facility for the housing of persons judged to be juvenile delinquents, or a criminal work release or pre-release facility;
 2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
 3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- (b) A residential or non-residential Methadone Treatment Facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health, other than a Hospital, to use the drug methadone in the treatment, maintenance or detoxification of persons.
- (c) A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.
- (d) A use that otherwise meets the definition of a Group Home, except that it includes a higher number of residents than is allowed in a Group Home, unless approved otherwise under Section 1325.07(d).

- (e) A behavioral health facility and a psychiatric hospital meeting the requirements of all laws and regulations shall qualify as a Treatment Center.

SECTION 3. All Ordinances and parts of Ordinances inconsistent herewith are, and the same are hereby repealed.

Sponsored by

PASSED finally in Council on the ____ day of _____, 20__.

President of Council

ATTEST:

City Clerk

This Ordinance approved this ____ day of _____, 20__.

Mayor