

BILL NO. 80 -2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A," TO AMEND THE DEFINITIONS OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME, TO ADD DEFINITION OF PERSONAL CARE HOME, TO PROVIDE THE USE OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME AS A SPECIAL EXCEPTION AND REQUIREMENTS THEREFOR IN THE CITY OF READING R-2 (RESIDENTIAL), R-3 (RESIDENTIAL) AND C-R (COMMERCIAL RESIDENTIAL) ZONING DISTRICTS AND TO CORRECT AND ADD TO THE REQUIREMENTS OF RESIDENTIAL CARE FACILITY AS A CONDITIONAL USE

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

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to amend the definition of Life Care Retirement Facility and Nursing Home, to add definition of Personal Care Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefor in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and to correct and add to the requirements of Residential Care Facility as a Conditional Use

SECTION 2. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted Nov 24, 2008

[Signature]
President of Council

Attest:

[Signature]
City Clerk
(LAW)

Submitted to Mayor: [Signature]

Date: 11-25-08

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 24 day of Nov, A. D. 2008. Witness my hand and seal of the said City this 24 day of Nov, A. D. 2008.

[Signature]
CITY CLERK

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:

PART 22

DEFINITIONS/SPECIFIC WORDS AND PHRASES DEFINED

§27-2202. **General Definitions** is hereby amended to amend or add the following words, terms and definitions:

PERSONAL CARE HOME - see LIFE CARE RETIREMENT FACILITY AND NURSING HOME

LIFE CARE RETIREMENT FACILITY - a planned residential community, building or part thereof for persons of retirement age, which shall include residential dwelling units, with communal dining, recreation areas, open space, parking and related facilities. Includes "retirement homes," "assisted or independent living facilities," "personal care home" and similar uses. Excludes "residential care facilities."

NURSING HOME - a building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four or more persons. The term "Nursing Home" shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, infirmaries contained within homes for the aged and personal care home. Excludes "residential care facilities."

PART 8

DISTRICTS

§27-803 R-2 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

Remove Group Care Facility as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	25	35	15	20	10	20	Yes

PART 8
DISTRICTS
 §27-804 R-3 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

Remove Residential Care Facilities as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
5500	30%	55%	35	65	20	30	10	20	Yes

**PART 8
DISTRICTS**
§27-808 C-R is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

Remove Group Care Facility as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	25	35	15	20	10	20	Yes

PART 12

PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1202. Conditions for Special Exception Uses is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses in the R-2, R-3 and C-R City of Reading Zoning Districts:

27-1202(19) Life Care Retirement Facility and Nursing Home as defined herein shall be permitted as special exceptions in the City of Reading Zoning Districts R-2, R-3 and C-R, provided that the following standards are met, all requirements therefor under this Ordinance, along with any other stipulations set forth by the Zoning Hearing Board:

A. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

B. The Life Care Retirement Facility and Nursing Home must meet the standards of the City of Reading building, plumbing, mechanical, electrical and fire codes as required for the type of use. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.

F. No Life Care Retirement Facility and Nursing Home shall be located within 500 linear feet of any other lot on which is established a Life Care Retirement Facility and Nursing Home or Residential Care Facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including but not limited to each existing life care retirement facility and nursing home or residential care facility use located in any district which is of a different designation than the district in which the new life care retirement facility and nursing home use is proposed).

G. One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

H. Acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

§27-1203. **Conditions for Conditional Uses** is hereby amended as follows:

7. Residential Care Facility. Residential care facilities, which shall include group care facilities and group care institutions, may be permitted in the R-3 zoning district as a ~~special exception~~ conditional use, provided that the following standards are met along with any other requirements deemed necessary by ~~the Zoning Hearing Board~~ City Council. Group care facilities shall be permitted in the R-2 and C-R zoning districts by ~~special exception~~ conditional use.

A. The following standards shall be for all residential care facilities:

(1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.

(3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.

(4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.

(5) The sponsoring social service agency shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

(6) Acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

B. The following standards are for all group care facilities:

(1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.

(2) No group care facility shall have more than 10 residents at any given time, not including live in supervisors.

(3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.

(4) No more than two live-in supervisors shall reside in the group care facility.

(5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

(6) C. The following standards are for all group care institutions.

(7 1.) The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.

(8 2.) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

(9 3.) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

(10 4.) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

PART 16

OFF-STREET PARKING AND LOADING

§27-1603. Off-Street Parking Standards is hereby amended to add the following:

EE: Life Care Retirement Facility and Nursing Home - One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

FF. Residential Care Facility - One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every four patient / client beds.

City of Reading
Zoning/Subdivision Ordinance Processing Control Sheet
To be completed by City Clerk

Ord. Title: PERSONAL CARE DEFINITION Ord. # _____ Hearing date: Nov 19 2008
(Attach draft until adoption; after adoption replace draft with a fully executed copy)

1. Provide copy to City Council at least 30 days in advance of hearing. Date completed:

OCT 9 2008

2. Submit to Planning Commission at least 30 days in advance of public hearing date (not required if ordinance is proposed by Planning Commission) Date submitted: OCT 14 2008

3. Submit to County Planning Commission at least 30 days in advance of public hearing. Date submitted: OCT 14 2008 (attach County review letter when received)

4. Advertise public hearing once a week for two successive weeks, not fewer than 7 days nor more than 30 days in advance of public hearing. Dates advertised: OCT 15, NOV 5, NOV 12 2008
(attach proof of publication)

5. Mail copy of advertisement and proposed ordinance to affected property owners with explanation letter (map change only) Date completed: N/A (attach one copy of letter and list of addresses)

6. Post properties affected (map change only) Date posted: N/A (attach certification letter from official who posted properties)

7. Schedule court reporter (when required by Solicitor) Date completed: 10/14/08

8. Public Hearing action taken: _____ adopted _____ failed (attach minutes or court transcript)

9. After adopted, supply a copy of the adopted ordinance to the following:

County Planning Commission	date: _____	(attach transmittal letter)
City Solicitor	date: _____	(attach transmittal letter)
City of Reading	date: _____	(attach transmittal letter)
County Law Library	date: _____	(attach transmittal letter)



LINDA A. KELLEHER
CITY CLERK

CITY OF READING, PENNSYLVANIA

CITY COUNCIL
ROOM 2-24
815 WASHINGTON STREET
READING, PA 19601-3690
(610) 655-6204

DATE: October 14, 2008

FROM: Linda A. Kelleher, City Clerk

Please place the following ad in the Reading Eagle Times in the Public Notice Section on Wednesday, October 15th, Wednesday, November 5th and Wednesday, November 12th, 2008

City of Reading Amendments to the Zoning Ordinance

The City of Reading City Council has introduced 2 ordinances to amend the City's zoning ordinance. The proposed ordinances are summarized below.

Ordinance - amending the City of Reading Zoning Ordinance by prohibiting all rental uses - single family and multi family - in the R-1, R-1A and R-2 zoning districts.

Ordinance - An Ordinance Amending The City Of Reading Zoning Ordinance Per Exhibit "A," To Amend The Definitions Of Life Care Retirement Facility And Nursing Home, *To Add Definition Of Personal Care Home*, To Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements Therefore In The City Of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts And To Correct *And Add To* The Requirements Of Residential Care Facility As A Conditional Use

City Council will be conducting a public hearing about these zoning amendments on Wednesday, November 19, 2008 at 5:00 p.m. in Council Chambers. City Council intends to consider the enactment of this ordinance at their regular business meeting on either Monday, November 24 or Monday, December 8, 2008 at 7 p.m. in Council Chambers. A copy of the complete ordinances are posted on the City's web site - www.ReadingPa.gov - with the regular meeting agendas. A copy may also be obtained from the City Clerk's Office, City Hall, 815 Washington St, Rdg, PA during regular business hours or by E Mail at Council@readingpa.org.

Linda A. Kelleher
City Clerk



FAX: (610) 655-6427 TDD: (610) 655-6442



LINDA A. KELLEHER
CITY CLERK

CITY OF READING, PENNSYLVANIA

CITY COUNCIL
ROOM 2-24
815 WASHINGTON STREET
READING, PA 19601-3690
(610) 655-6204

October 14, 2008

Glenn R. Knobloch, Executive Director
Berks County Planning Commission
633 Court Street
Reading, PA 19601

Andrew Miller, City Planner
City of Reading Planning Commission
815 Washington Street
Reading, PA 19601

Dear Mr. Knobloch and Mr. Miller:

At their regular meeting on Monday, October 13, City Council introduced the following amendments to the City's Zoning Ordinance. We would appreciate receiving your comments on these ordinances before the Public Hearing scheduled for Wednesday, November 19th at 5 p.m.

Ordinance – amending the City of Reading Zoning Ordinance by prohibiting all rental uses – single family and multi family – in the R-1, R-1A and R-2 zoning districts. **(Marmarou-Council Staff) – The City's legal staff is currently reviewing the Berks County Planning Commissions comments on this ordinance.**

Ordinance - An Ordinance Amending The City Of Reading Zoning Ordinance Per Exhibit "A," To Amend The Definitions Of Life Care Retirement Facility And Nursing Home, To Add Definition Of Personal Care Home, To Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements Therefore In The City Of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts And To Correct And Add To The Requirements Of Residential Care Facility As A Conditional Use (**Law Dept**)

We look forward to your comments. Thank you very much for your continued assistance!

Best regards,
City of Reading

Linda A. Kelleher, City Clerk

C: City Council
Managing Director
Solicitor



FAX: (610) 655-6427 TDD: (610) 655-6442



CITY OF READING, PENNSYLVANIA

PLANNING COMMISSION
815 WASHINGTON STREET
READING, PA 19601-3690

PLANNING COMMISSION RESOLUTION NO. 73-2008

Whereas:

- the Planning Commission recognizes the variation in types of retirement and continuing care services, and their facilities; and,
- the Planning Commission supports the effort to update, refine and clarify those differences within the regulations and definitions of the Zoning Ordinance...

...be it hereby resolved by the City of Reading Planning Commission:

"to recommend that City Council adopt the zoning amendment defining and regulating "life care retirement facility", "nursing home", "personal care home" and "residential care facility" in the R2, R3 and CR districts."

I hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Planning Commission of the City of Reading at their meeting held November 13, 2008, in accord with the adoption procedures set forth in §§303.a.3 and 609.c of the Pennsylvania Municipalities Planning Code. Additional detail of the Commission's consideration may be found in its November 13, 2008 meeting minutes.

 081119

ANDREW W. MILLER ON BEHALF OF:

Ermete J. Raffaelli, Chair
City of Reading Planning Commission

