ORDINANCE NO._____

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY PENNSYLVANIA, AMENDING THE MAIDENCREEK TOWNSHIP ZONING ORDINANCE OF 1993, AS AMENDED, BY DEFINING THE TERMS CONGREGATE CARE FACILITY, ASSISTED LIVING FACILITY AND PERSONAL CARE HOME; PROVIDING FOR CONGREGATE CARE FACILITIES, ASSISTED LIVING FACILITIES AND PERSONAL CARE HOMES AS PERMITTED, CONDITIONAL USES IN THE C-1 AND C-R ZONING DISTRICTS; ESTABLISHING SUPPLEMENTAL REGULATIONS FOR CONGREGATE CARE FACILITIES, ASSISTED LIVING FACILITIES AND PERSONAL CARE HOMES IN THE C-1 AND C-R ZONING DISTRICTS; AND REPEALING ALL INCONSISTENT ORDINANCES

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. That the Board of Supervisors of Maidencreek Township hereby amends the Maidencreek Township Zoning Ordinance of 1993, (Ordinance No. 136, adopted on January 27, 1993) as amended, as follows:

I. Article II, Section 204 shall be amended by the addition of the following terms and definitions:

CONGREGATE CARE FACILITY: A building or group of buildings intended to provide food and shelter for adults ages sixty-five (65) and older, as well as persons younger than sixty-five (65) suffering a permanent mental and/or physical disability who can no longer safely and comfortably live independently. Persons rehabilitating from a drug and/or alcohol addiction are specifically excluded from living in this facility. The facility will provide social activities, security, and non-health related services such as meals, housekeeping services and transportation to its residents.

ASSISTED LIVING FACILITY: A building intended to provide food, shelter, and care for adults ages sixty-five (65) and older, as well as persons younger than sixty-five (65) suffering a permanent mental and/or physical disability who require supervision or assistance with some or all activities of daily living. Persons rehabilitating from a drug and/or alcohol addiction are specifically excluded from living in this facility. The facility is intended to coordinate services by outside health care providers; and to monitor the activities of the residents to help ensure their health, safety, and well-being. Assistance may include the administration or supervision of medication, or personal care services provided by a trained staff person.

PERSONAL CARE HOME: A building or group of buildings in which food, shelter and personal assistance or supervision are provided for a adults ages sixty-five (65) and older , as well as persons younger than sixty-five (65) suffering a permanent mental and/or physical disability who can no longer safely and comfortably live independently. Persons rehabilitating from a drug and/or alcohol addiction are specifically excluded from living in this facility. The facility will provide assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration.

II. Article IX "C-R Commercial-Residential District," Section 902 Permitted Uses, shall be amended by the addition of a new subsection B. as follows:

B. Conditional Uses.

1. Congregate Care Facility, subject to the provisions of Section 1325.
2. Assisted Living Facility, subject to the provisions of Section 1325.
3. Personal Care Home, subject to the provisions of Section 1325.

III. Article X "C-1 Local Commercial District," Section 1002 Permitted Uses, shall be amended by the addition of a new subsection C. as follows:

C. Conditional Uses.

1. Congregate Care Facility, subject to the provisions of Section 1325.
2. Assisted Living Facility, subject to the provisions of Section 1325.
3. Personal Care Home, subject to the provisions of Section 1325.

IV. Article XIII-Supplemental Regulations, shall be amended by the addition of a new Section 1325 entitled "Regulations for Congregate Care Facilities, Assisted Living Facilities and Personal Care Homes", providing the following regulations:

A. Congregate Care Facilities; Assisted Living Facilities; and/or Personal Care Homes shall be designed to achieve the following purposes:

1. Each such Facility shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be

prohibited. All common facilities to support the needs of the residents of the Facility shall remain under a single ownership.

2. To encourage the development of a community to service adults who can no longer live safely in a fully independent lifestyle, and who require some level of care and assistance with some or all of the activities of daily adult living.

3. To provide for appropriate recreational activities for the residents in both exterior and interior spaces.

4. To encourage innovation in design so the growing demand for housing may be met by a greater variety in type, design and layout of dwellings and by the conversion and efficient use of open space auxiliary to said units.

B. Uses permitted within Congregate Care Facilities, Assisted Living Facilities and Personal Care Homes:

1. Residential Uses.

a. Efficiency units

b. One bedroom units

c. Two bedroom units

2. Non-Residential Uses

a. Activity centers intended for use by the residents. These centers may include dining, recreational, retail and/or office space.

b. Recreational areas including exercise areas, common open space, walkways and trails, garden areas, picnic area, and similar improvements.

c. Medical offices and rehabilitation center.

d. Uses clearly accessory to any of the permitted uses including but not limited to off street parking facilities.

e. Non-Residential uses are restricted to the use by residents of the community and their guests. However, the management of such Congregate Care, Assisted Living Facilities, or Personal Care Homes shall be permitted to open common areas of such facilities for use by community organizations for public and/or private meetings, at their discretion.

C. Area and density requirement for Congregate Care Facilities, Assisted Living Facilities and Personal Care Homes:

1. Area requirements

a. A tract to be developed as a Congregate Care Facility, Assisted Living Facility or Personal Care Home shall have a minimum lot size of five (5) acres in the C-1 district and two (2) acres in the C-R district.

2. The gross residential density of a Congregate Care Facility, Assisted Living Facility or Personal Care Home shall not exceed twenty-five (25) dwelling units per acre.

3. Lot set backs:

a. Except for parking spaces, no building or structure shall be located closer than 50 feet to the boundary line of the tract being developed. Uncovered patios and stoops may project five (5) feet from the building or structure.

b. No building or structure shall be located closer than 50 feet to the street right of way line.

4. Standards for buildings:

a. Maximum building height: livable area may not exceed thirty-five (35) feet, ornamental structures on the building may not exceed forty (40) feet.

b. When two or more Congregate Care Facility, Assisted Living Facility or Personal Care Home Facility buildings or structures are to be constructed on a single tract of land, each individual building or structure shall be separated by a minimum of one hundred (100) feet.

D. Streets, parking and lighting

1. Streets and roadways:

a. Streets and driveways may be private, but shall be constructed to Township standards.

b. Curbs shall be in accordance with Township Standards.

c. Sidewalks shall be in accordance with Township Standards.

d. Roadway pavement thickness specifications shall conform to Township Standards.

e. Lighting shall be in accordance with Township Standards.

2. Parking Requirements:

a. Resident parking shall be designed with a minimum of one (1) off street parking spaces for every dwelling unit, however, such facilities are not required to be constructed until such time as there is a demonstrated need for such parking. Resident parking shall be constructed with a minimum of 0.8 off-street parking spaces for every dwelling unit.

b. Employee parking shall be required with a minimum of one (1) off street parking space for each employee based upon the highest number of employees in a particular shift.

c. Visitor parking shall be required with a minimum of one (1) off street parking space for each ten (10) dwelling units

d. All parking spaces shall be setback a minimum of at least fifteen (15) feet from the property line.

e. An off street loading area shall be provided that will not interfere with pedestrian or vehicular traffic.

f. An emergency vehicle pick-up area shall be provided.

E. Landscaping

1. Screen planting shall be required in accordance with §1311 of this Ordinance.

2. Other landscaping shall be provided in accordance with the provisions of the Maidencreek Township Subdivision and Land Development Ordinance.

F. Design Regulations

1. All Congregate Care Facilities, Assisted Living Facilities and Personal Care Homes shall be served by a public sanitary sewer collection and disposal system, public water supply system and by a storm sewer system conforming to

all applicable ordinances and regulations of the Township. All such facilities shall be constructed at the expense of the developer.

2. All Congregate Care, Assisted Living Facilities and Personal Care Homes shall have exterior trash storage facilities. All Assisted Living Facilities shall also have a designated medical waste storage facility and pick-up area.

3. When a Congregate Care Facility, Assisted Living Facility or Personal Care Home is proposed for a tract, the design shall include the entire tract.

4. The maximum impervious surface coverage associated with a Facility shall be 65% of the gross site area in the C-1 district and 45% of the gross site area in the C-R- district

5. The maximum building footprint associated with the facility shall be 50,000 square feet in the C-1 district and 3000 square feet in the C-R district.

6. The minimum living area of units shall be:

a. Efficiency units	300 square feet
b. One bedroom units	400 square feet
c. Two bedroom units	700 square feet

7. Recreational Facilities for a Congregate Care Facility, Assisted Living Facility or Personal Care Home shall include:

   a. An outdoor sitting area for residents, including covered patios as well as contiguous sidewalk which allows residents to walk around the building.

   b. Areas within the building(s) designated for interior recreational facilities for the residents.

8. All Congregate Care Facilities, Assisted Living Facilities and/or Personal Care Homes shall be designed, maintained, and sized in accordance with the most restrictive applicable state and federal regulations. In the event of a discrepancy between this Ordinance and the State and/or Federal regulation, the most restrictive State and/or Federal regulation shall apply.

9. All Congregate Care Facilities, Assisted Living Facilities and/or Personal Care Homes shall have an emergency management plan in effect for response to catastrophic events.

10. All Congregate Care Facilities, Assisted Living Facilities and/or Personal Care Homes shall have fire access on all four (4) sides of a building. In the event a facility is designed with more than four exterior walls, this provision shall not be construed to require fire access on every exterior wall of the building.

11. All Congregate Care Facilities, Assisted Living Facilities and/or Personal Care Homes shall have an automatic sprinkler fire suppression system.

G. Land Development Plan approval process for Congregate Care Facilities, Assisted Living Facilities, and Personal Care Homes

1. All applications shall be in full compliance with this Ordinance and all provisions of the Maidencreek Township Subdivision and Land Development Ordinance; provided, however, that the provisions of this Section applying to Congregate Care Facility, Assisted Living Facility, and /or Personal Care Home shall take precedence over any inconsistent or conflicting provisions of this Ordinance or the aforesaid Subdivision and Land Development Ordinance.

2. Applicants seeking approval for a Congregate Living Facility, Assisted Living Facility or a Personal Care Home are strongly encouraged to submit to the Township a sketch plan (with that data specified by the Maidencreek Township Subdivision and Land Development Ordinance) before proceeding with a Preliminary Plan.

SECTION 2. In the event that any provision, section, sentence, clause or portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining Ordinances. It is hereby declared to be the intent of the Board of Supervisors of the Township of Maidencreek that the remainder of this Ordinance shall be and remain in full force and effect notwithstanding the fact that such portion thereof shall be invalid or unconstitutional.

SECTION 3. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

SECTION 4. This Ordinance shall take effect five (5) days subsequent to its passage.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania, in lawful session duly assembled this _____ day of _____, 2009.

BOARD OF SUPERVISORS OF MAIDENCREEK
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

_____
Chairman

_____

_____

Attest:

Diane Hollenbach
Township Secretary