

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE SOLEBURY TOWNSHIP ZONING ORDINANCE AND THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REGARDING CERTAIN RESIDENTIAL, HEALTHCARE, AND EDUCATIONAL USES

WHEREAS, Section 1516 (53 P.S. § 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

WHEREAS, the Township has obligations under Article I of the Pennsylvania Constitution to protect property interests and to preserve and maintain the natural, scenic, historic and esthetic values of the environment;

WHEREAS, the Pennsylvania Second Class Township Code also provides to the Board of Supervisors the ability to enact regulations as may be necessary for the health, safety, and general welfare of the Township and its residents, 53 P.S. § 66506;

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, that the Township’s Code of Ordinances is **AMENDED** as follows:

I. Chapter 27 of the Township Code of Ordinances is hereby AMENDED as follows:

A. STRIKE the term “Group Home” and its associated definition from Section 27-202 of the Zoning Ordinance.

B. STRIKE “Group Home” as a use in any district that it is currently permitted in, as follows:

1. STRIKE “Group Home” from Section 27-402.1.C.(4) and **REPLACE** it with “Reserved.”

2. **STRIKE** “Group Home” from Section 27-602.1.C.(6) and **REPLACE** it with “Reserved.”
- C. **STRIKE** all district-specific requirements for “Group Home” from the Zoning Ordinance, as follows:
1. **STRIKE** “Group Home” from Section 27-404.1.C.(4)
 2. **STRIKE** “Group Home” from Section 27-604.1.C.(2)
- D. **STRIKE** Section 27-2602.1.C. and **REPLACE** with “Reserved.”
- E. **ADD** a new subsection 4. to Section 27-104:
4. Nothing contained in this Ordinance shall be interpreted or construed to permit discrimination against any person who is protected from discrimination under federal or state law. As to those persons protected from discrimination on the basis of disability or handicap, as those terms are defined by state and federal law, the Township and the Zoning Hearing Board are hereby authorized to make reasonable accommodation in the interpretation, application and enforcement of the provisions of this Ordinance and any rules, policies, practices or services implemented in conjunction therewith when such accommodation may be necessary to afford such persons equal opportunity to use and enjoy a dwelling.
- F. **AMEND** Section 27-202 as follows:
1. **STRIKE** the existing definition of “Dwelling, age-qualified detached” and **REPLACE** with the following:

DWELLING, AGE-QUALIFIED DETACHED – A building designed for and occupied by one or more individuals who are fifty-five (55) years of age or older, and/or defined as elderly by the United States of America or the Commonwealth of Pennsylvania in connection with and for purposes of housing programs. This shall not be construed to restrict the housing choices in the Township of any person who meets the criteria for living in an age-qualified detached dwelling.
 2. **ADD** the following:

FRATERNITY OR SORORITY HOUSE – A dwelling affiliated with a single-sex university or college students’ society or used by such a society for residential or other purposes. Sometimes referred to as Greek housing or Greek life housing.

NONFAMILY COMMUNITY RESIDENTIAL FACILITY – a residential facility:

- 1) intended for and occupied by persons who do not have a disability or handicap, as those terms are defined by federal and state antidiscrimination laws; and
- 2) that consists of no more than 20 persons living together in the facility as a whole and those persons as a group do not constitute a “family” as defined in the Zoning Ordinance.

This term shall not include “fraternity or sorority house” or “dormitory.” Each living quarter for a person staying at a nonfamily community residential facility shall be considered a “dwelling unit.”

LONG-TERM RESIDENTIAL HEALTHCARE FACILITY – a residential facility that is not a hospital and is not located as part of a hospital facility, but that provides medical, therapeutic, health, rehabilitative, or other services to resident patients and where residence in the facility is anticipated indefinitely. Examples include, but are not limited to, nursing homes, long-term care facilities, assisted living facilities, and “age-in-place” or continuing care communities. Each living quarter for a person staying and/or living at the facility shall be considered a “dwelling unit.”

SHORT-TERM RESIDENTIAL HEALTHCARE FACILITY – a residential facility that is not a hospital and is not located as part of a hospital facility, but that provides medical, therapeutic, health, rehabilitative, or other services to resident patients and where residence in the facility is temporary, and where the services provided are intended to transition resident patients to a permanent living situation outside the facility, such as their original home, a long-term residential healthcare facility, or other long-term or permanent living arrangement. Examples include but are not limited to: residential physical and/or occupational therapy rehabilitation facilities, residential nonhospital drug and alcohol rehabilitation facilities, and short-term psychological or psychiatric residential nonhospital treatment facilities. Each living quarter for a person staying at the facility shall be considered a “dwelling unit.”

3. **ADD** the following sentence to the end of the definition for “educational use”:

This use shall include dormitories and fraternity or sorority houses.

4. **STRIKE** the term and definition of “Medical Office/Wellness Center” and **REPLACE** it with the following:

MEDICAL OFFICE/WELLNESS CENTER/HEALTH CLINIC – Office, clinic, or similar facility for medical, dental, psychological, physical therapy, or other health examination or treatment of persons as out-patients, including laboratories incidental thereto. A fitness center and cafeteria within the same building are permitted as accessory uses; however, the cafeteria shall be limited to a maximum of 10% of the total building area.

5. **STRIKE** the term and definition of “life care facility.”

6. **STRIKE** the term and definition of “full care facility.”

- G. **AMEND** Section 27-2602.1.EE. to **ADD** the following:

(5) All applicants for age-qualified detached dwellings must comply with the requirements set forth for “housing for older persons” in 42 U.S.C. § 3607(b)(2) and 43 P.S. § 954(w), and shall provide, with the application, proof of how it maintains compliance with those requirements.

(6) Residences shall have no party wall in common with an adjacent dwelling unit.

- H. **STRIKE** existing Section 27-2602.1.D. pertaining to life care facilities and **REPLACE** it with the following:

D. Long-term residential healthcare facility.

(1) A long-term residential healthcare facility must meet all applicable licensing and inspection regulations of the county, state, and federal government.

(a) Proof of any required licensing shall be submitted with applications for a long-term residential healthcare facility use.

(b) Proof of compliance with all applicable county, state and federal regulations shall be filed with the Township prior to the issuance of a zoning permit and a use and occupancy permit.

(c) All renewals, amendments or new licenses shall be filed with the Township as they are issued.

(d) An applicant shall also file with its application a copy of its admission criteria and any other information sufficient to demonstrate the nature of the proposed use.

(2) Permitted Housing Types.

(a) Single-family detached.

(b) Single-family attached:

i. Twin/Duplex

ii. Multiplex.

iii. Townhouse.

(d) Multifamily: Apartments. No apartment building shall be higher than three stories.

(3) The facility shall be served by public water supply and public sewage disposal systems.

(4) Support Facilities.

(a) Retail facilities for the use of the residents and their guests only. No outside advertising for these facilities is permitted.

(b) The retail facilities may occupy no more than 10% of the total floor area.

(c) Retail facilities are limited to the following uses:

1) Barber shop.

2) Beauty salon.

3) Pharmacy for servicing the facility's residents only.

4) Commissary.

5) Newsstand.

6) Snack bar/coffee shop.

7) Handicraft shop.

8) Post office.

(d) Other support facilities include, but are not limited to, lounge areas, reading rooms, art/craft rooms, common dining facilities, and recreational rooms.

(5) Open space and passive recreational areas shall be in accordance with Part 28.

(6) Off-Street Parking. In addition to the requirements of Part 23 and the applicable standards of the zoning district in which the facility is located, all parking lots shall be located in such a way as to be consistent with the visual and aesthetic character of the road(s) on which the parking lot may be located. The Board and/or Zoning Officer may require that parking lots be located to the side and rear of the building, and/or may require additional landscaping

and/or berms and/or setbacks as necessary to maintain the character of the surrounding area. Ambulance access shall be located as far as possible from adjacent residential properties to minimize noise disruptions to neighboring properties.

(7) Fire Protection. All rooms shall be provided with sprinkler systems for fire protection and shall contain and be served by a wet charged standpipe to the top floor. All units shall be equipped with smoke detectors and carbon monoxide detectors, which shall be hard-wired and monitored by a central monitoring facility.

(8) At the time of application, the Applicant shall submit to the Township a transportation plan which shall outline a transportation service for the residents, to be provided by the owner or manager, providing access to primary services at reasonable intervals. This plan is subject to the Township's approval.

(9) Safety Features. It is necessary in the design and development of a long-term residential healthcare facility, that the safety and physical capabilities of the future residents be considered. The design features of the facility shall be such that potentially dangerous situations are minimized and the independence and mobility for the residents maximized. The developer will be required to submit architectural drawings to the Township and to the Pennsylvania Department of Licensing and Inspection to ensure that this is the case. All buildings are subject to the Township Building Code [Chapter 5, Part 1].

(10) The facility shall be built as a single legal entity and shall be owned by a single legal entity. Fee sale of units is prohibited. All common facilities to support the needs of residents of the facility shall remain under the ownership of a single legal entity.

(11) All other applicable provisions of the Township's Code of Ordinances shall apply, including but not limited to lighting and traffic control regulations.

I. STRIKE “and such units in a life-care facility or full-care facility” from Section 1004.1.F.

J. ADD a new Section 27-1004.1.H. as follows:

Long-term residential healthcare facilities, short-term residential healthcare facilities and nonfamily community residential facilities shall meet the following standards:

1. Minimum lot size.
 - a. Long-term residential healthcare facilities: 8 acres
 - b. Short-term residential healthcare facilities & nonfamily community residential facilities: 5 acres
2. The maximum gross density for the facility shall be 12 units per acre.
3. Minimum building spacing: 50 feet.
3. The standards in Section 27-1005 and the applicable subsections of Section 27-2602 shall be met.

K. STRIKE existing Section 27-2602.1.E pertaining to full care facilities and **REPLACE** it with the following:

E. Short-term residential healthcare facility.

(1) A short-term residential healthcare facility must meet all the requirements of Section 27-2602.1.D, with the exception of 27-2602.1.D.(8) if such services would interfere with the facility's goals for rehabilitation and treatment of resident patients. If apartment buildings are incorporated into the facility, they shall be no higher than two stories, instead of the height specified in Section 27-2602.1.D.2.(d).

L. ADD a new Section 27-2602.1.SS as follows:

SS. Nonfamily community residential facility.

1. A nonfamily community residential facility must meet all the requirements of Section 27-2602.1.D, with the exception of the ambulance access location requirements in 27-2602.1.D.(6) if regular ambulance visits are not anticipated as part of the use. If apartment buildings are incorporated into the facility, they shall be no higher than two stories, instead of the height specified in Section 27-2602.1.D.2.(d).

2. There shall be no more than two people per bedroom.

M. ADD a new Section 27-2602.1.TT as follows:

TT. Medical Office/Wellness Center/Health Clinic

(1) A medical office/wellness center/health clinic must meet all applicable licensing and inspection regulations of the county, state, and federal government.

(a) Proof of any required licensing, shall be submitted with applications for a medical office/wellness center/health clinic.

(b) Proof of compliance with all applicable county, state or federal regulations shall be filed with the Township prior to the issuance of a zoning permit and a use and occupancy permit.

(c) All renewals, amendments or new licenses shall be filed with the Township as they are issued.

(2) All other applicable provisions of the Township’s Code of Ordinances shall apply, including but not limited to lighting and traffic control regulations.

N. AMEND Section 27-1002.1.C. pertaining to conditional uses in the RD District as follows:

1. **STRIKE** Section 27-1002.1.C.(3) and **REPLACE** it with: “(3) Long-term residential healthcare facility.”

2. **ADD** a new Section 27-1002.1.C.(7). that states: “Short-term residential healthcare facility.”

3. **ADD** a new Section 27-1002.1.C.(8) that states: “Nonfamily community residential facility.”

O. AMEND 27-1602.1.C pertaining to conditional uses in the TNC District to **ADD** the following:

(13) Long-term residential healthcare facility.

(14) Short-term residential healthcare facility.

(15) Nonfamily community residential facility.

P. STRIKE “Medical office/wellness center” from Section 27-1602.1.A.(3) (pertaining to permitted uses in the TNC District) and **REPLACE** it with: “Medical office/wellness center/health clinic.”

Q. AMEND Section 27-2301 as follows:

1. **STRIKE** from Section 27-2301.D.(4) “Hospital, convalescent home, nursing home sanitarium” and **REPLACE** it with “Hospital, long-term residential healthcare facility, short-term residential healthcare facility, and nonfamily community residential facility.”

2. **STRIKE** from Section 27-2301.E.(9) “Medical or dental offices and clinics” and **REPLACE** it with “Medical office/wellness center/health clinic.”

3. **ADD** “and Fraternity or Sorority House” to Section 27-2301.D.7 (regarding off-street parking requirements) after “Dormitory.”

R. **STRIKE** “nursing home” from Section 27-2305.10.A. and **REPLACE** it with “long-term residential healthcare facility, short-term residential healthcare facility, nonfamily community residential facility.”

S. **STRIKE** “full and life care facilities, sanitariums” from Section 27-2407.1.A.(4) and **REPLACE** it with “long-term and short-term residential healthcare facilities, nonfamily community residential facilities.”

T. **AMEND** the Table of Use Regulations as follows:

1. **STRIKE** “Life care facility” in its entirety from the Table of Uses.

2. **STRIKE** “Group Home” in its entirety from the Table of Uses.

3. **STRIKE** “Full care facility” in its entirety from the Table of Uses.

4. **ADD** “Long-term residential healthcare facility” as a conditional use in the RD and TNC Districts.

5. **ADD** “Short-term residential healthcare facility” as a conditional use in the RD and TNC Districts.

6. **ADD** “Nonfamily community residential facility” as a conditional use in the RD and TNC Districts.

7. **STRIKE** the term “Medical Office/Wellness Center” and **REPLACE** it with “Medical Office/Wellness Center/Health Clinic.”

U. **AMEND** the Summary Table of Area and Bulk Regulations for the RD Residential Development District (27 Attachment 5) as follows:

1. **STRIKE** “life care facility” and **REPLACE** it with “long-term residential healthcare facility.”

2. **STRIKE** “full care facility” and **REPLACE** it with “short-term residential healthcare facility.”

3. **ADD** “nonfamily community residential facility” as a use, and specify “Refer to §§ 27-1004, 27-1005, 27-2602 for details.”

V. AMEND the Summary Table of Area and Bulk Regulations for the TNC Traditional Neighborhood Commercial District (27 Attachment 10) as follows:

1. **ADD** “Long-term residential healthcare facility” as a use, and specify “Refer to §§ 27-1004, 27-1005, 27-1605, and 27-2602 for details.”
2. **ADD** “Short-term residential healthcare facility” as a use, and specify “Refer to §§ 27-1004, 27-1005, 27-1605, and 27-2602 for details.”
3. **ADD** “Nonfamily community residential facility” as a use, and specify “Refer to §§ 27-1004, 27-1005, 27-1605, and 27-2602 for details.”

W. AMEND Section 27-1604 as follows:

A. ADD the following to Section 27-1604.1.A. immediately after “except private recreational facilities”:

, short-term residential healthcare facilities, long-term residential healthcare facilities, and nonfamily community residential facilities.

B. ADD a new Section 27-1604.1.D. as follows:

D. For short-term residential healthcare facilities, long-term residential healthcare facilities, and nonfamily community residential facilities, these shall comply with Section 27-1605, in addition to the standards in Sections 27-1004 and 27-1005, and the applicable use standards in 27-2602.

X. AMEND Section 27-1005.8. as follows:

A. STRIKE Section 27-1005.8.A. and **REPLACE** it with the following:

All provisions of Part 23 shall apply, in addition to the relevant provisions of the Township’s Subdivision and Land Development Ordinance.

B. STRIKE Section 27-1005.8.B. and **REPLACE** it with the following:

In addition to the number of off-street parking spaces required by Part 23 and the Township’s Subdivision and Land Development Ordinance, an additional 10% allowance for visitor parking space shall be made.

C. STRIKE Section 27-1005.8.C and **REPLACE** it with “RESERVED.”

II. Chapter 22 of the Township Code of Ordinances is hereby AMENDED as follows:

A. **STRIKE** “nursing home” from Section 22-520.1.E and **REPLACE** it with “long-term and short-term residential healthcare facilities, nonfamily community residential facilities.”

III. Partial Repealer

All other provisions of the Solebury Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Zoning Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

IV. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

V. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2018.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Mark Baum Baicker, Chair

Kevin Morrissey, Vice Chair

Noel Barrett, Member

*Privileged and Confidential – Attorney Work Product – Attorney-Client Communication
11-9-18*

John Francis, Member

Robert McEwan, Member

Attest:

Catherine Cataldi, Township Secretary