

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 neither a hospital nor located as part of a hospital facility and 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, and assisted living facilities. Each living quarter for a person staying at the facility shall be considered a “dwelling unit.”**

**SHORT-TERM RESIDENTIAL HEALTHCARE FACILITY – a residential facility that is neither a hospital nor located as part of a hospital facility and 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.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) Twin.
- (c) Multiplex.
- (d) Apartment buildings.

(3) Minimum building spacing: 50 feet.

(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 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, all parking lots shall be located to the side and rear of the building, unless the parking is totally concealed from the street by berms and/or planting, or the parking is located more than 200 feet from the street. 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) 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** "life-care facility or full-care facility" from Section 1004.F. and **REPLACE** it with "long-term and short-term residential healthcare facilities and nonfamily community residential facility."

**J. STRIKE** existing Section 27-1005.2.C. and **REPLACE** it with the following:

1. With the exception of the uses listed in 1005.2.C.2 and 3 below, no building shall be located less than 100 feet from any RD district boundary line which abuts an RA, RB, or VR District, or less than 50 feet from the perimeter property line of any tract within the RD District; and no accessory structure shall be less than 25 feet from such property line, except for signs and those structures associated with ingress and egress, lighting standards, benches and the like.

2. No building that is part of a long-term residential healthcare facility, short-term residential healthcare facility, or community center shall be located less than 200 feet from any RD district boundary line which abuts an RA, RB, or VR District, or less than 100 feet from the perimeter property line of any tract within the RD District; and no accessory structure shall be less than 50 feet from such property line, except for signs and those structures associated with ingress and egress, lighting standards, benches and the like.

3. No building that is part of a nonfamily community residential facility shall be located less than 300 feet from any RD district boundary line which abuts an RA, RB, or VR District, or less than 150 feet from the perimeter property line of any tract within the RD District; and no accessory structure shall be less than 75 feet from such property line, except for signs and those structures associated with ingress and egress, lighting standards, benches and the like.

**K. STRIKE** existing Section 27-2602.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.D, with the exception of 27-2602.E.(8) if such services would interfere with the facility's goals for rehabilitation and treatment of resident patients.

**L. ADD** a new Section 27-2602.PP as follows:

PP. Nonfamily community residential facility.

1. A nonfamily community residential facility must meet all the requirements of Section 27-2602.D, with the exception of the ambulance access setback requirements in 27-2602.D. if regular ambulance visits are not anticipated as part of the use.

**M. ADD** a new Section 27-2602.QQ as follows:

(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.C. pertaining to conditional uses in the RD District as follows:

1. **STRIKE** Section 27-1002.C.(3) and **REPLACE** it with: “(3) Long-term residential healthcare facility.”
  2. **ADD** a new Section 27-1002.C.(7). that states: “Short-term residential healthcare facility.”
  3. **ADD** a new Section 27-1002.C.(8) that states: “Nonfamily community residential facility.”
- O.** **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.”
- P.** **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.”
- Q.** **STRIKE** “nursing home” from Section 27-2305.10.A. and **REPLACE** it with “long-term and short-term residential healthcare facilities, nonfamily community residential facility.”
- R.** **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.”
- S.** **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 District.



5. **ADD** “Short-term residential healthcare facility” as a conditional use in the RD District.
6. **ADD** “Nonfamily community residential facility” as a conditional use in the RD District.
7. **STRIKE** the term “Medical Office/Wellness Center” and **REPLACE** it with “Medical Office/Wellness Center/Health Clinic.”

**T. 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.”

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

- A. STRIKE** from Section 22-520.1.E “nursing home” 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

\_\_\_\_\_  
John Francis, Member

\_\_\_\_\_  
Robert McEwan, Member

Attest:

\_\_\_\_\_  
Catherine Cataldi, Township Secretary