

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 141-F

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009 BY MODIFYING THE DEFINITION OF "NURSING, REST OR RETIREMENT HOMES" AT SECTION 113; PERMITTING THE NURSING, REST OR RETIREMENT HOMES USE IN THE MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT AND THE COMMERCIAL (C) ZONING DISTRICT AS A USE PERMITTED BY RIGHT, UNDER SECTIONS 213.B AND 220.B, DELETING "NURSING, REST OR RETIREMENT HOMES" AS A SPECIAL EXCEPTION USE UNDER SECTION 213.C; ADDING AREA AND DESIGN REQUIREMENTS FOR NURSING, REST AND RETIREMENT HOMES TO FIGURE 213.I; AND AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE 7.49 ACRES OF LAND AS BEING IN THE MULTI-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, pursuant to Article 9, Section 904.E, of the Upper Saucon Township Zoning Ordinance of 2009, as amended (hereinafter, "Zoning Ordinance"), Paul C. Chernay, an owner of property within Upper Saucon Township; Basile Senior Housing, Ltd., a Pennsylvania limited liability company and Saucon Senior Living, L.P. (hereinafter referred to collectively as "Petitioners"), submitted separate requests for Zoning Ordinance amendments; and

WHEREAS, the various requests relate generally to the "Nursing, rest or retirement homes" use as defined in Section 113 of the Zoning Ordinance (hereinafter, "Use"); and

WHEREAS, the Use is permitted in the Multi-Family Residential (R-3) Zoning District by special exception pursuant to Section 213.C of the Zoning Ordinance; and

WHEREAS, the Use is not permitted in the Commercial (C) Zoning District; and

WHEREAS, the Petitioners desire to modify the definition of the Use found at Section 113 to make it consistent with current regulatory requirements of the Commonwealth of Pennsylvania; and

WHEREAS, Chernay and Basile request that the Use be permitted as of right in the Township's Commercial (C) Zoning District under Section 220.B; and

WHEREAS, Saucon Creek Senior Living requests that pursuant to Section 213.I the Use have a maximum permitted building height of 60 feet and a maximum permitted impervious lot coverage of 50% in the Commercial (C) Zoning District; and

WHEREAS, Saucon Creek Senior Living requests that the use be permitted in the Multi-Family Residential (R-3) Zoning District by right under Section 213.B, rather than by special exception under Section 213.C; and

WHEREAS, Saucon Creek Senior Living requests that the Official Zoning Map of Upper Saucon Township be amended to re-zone three (3) adjoining lots as more particularly depicted on Exhibit "A" (hereinafter, "Property") from the Industrial (I) Zoning District to the Multi-Family Residential (R-3) Zoning District; and

WHEREAS, currently the Property is developed and licensed as a personal care home pursuant to a land development plan approved by Resolution 2004-19, dated May 11, 2004; and

WHEREAS, the Property is bounded to the north and the south by the R-3 Zoning District; and

WHEREAS, the Board finds that the requested text and map amendments are reasonable, rationally related to the public health, safety and general welfare and otherwise consistent with the Township's Comprehensive Plan.

NOW, THEREFORE, the Board of Supervisors of Upper Saucon Township does hereby enact and ordain the following amendments to the Upper Saucon Township Zoning Ordinance and the Official Zoning Map.

SECTION 2: ZONING MAP AMENDMENT

The Official Zoning Map of Upper Saucon Township is amended to change the designation of the Property, as identified and depicted on Exhibit "A", from the Industrial (I) Zoning District Classification to the Multi-Family Residential (R-3) Zoning District Classification.

SECTION 3: ZONING ORDINANCE TEXT AMENDMENTS

1. The definition of "NURSING, REST OR RETIREMENT HOMES," found at Section 113 of the Zoning Ordinance, relating to specific words and phrases, is deleted in its entirety, and the following is substituted therefore:

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding and dining associated with some level of nursing care. Such facilities shall also include a personal care home or assisted living residence provided that such facilities are for four (4) or more adults who are not relatives of the operator of the facility. Such facility shall also include any premises in which food, shelter, nursing, assisted living services, personal care services, assistance or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of

the operator and require assistance or supervision in activities of daily living or instrumental activities of daily living. This definition shall include, but not be limited to long term care facilities, personal care facilities, assisted living facilities, adult daycare facilities and any combination of such facilities as may be licensed or regulated by the Pennsylvania Department of Welfare, Pennsylvania Department of Health or other Commonwealth agencies with jurisdiction or licensing control over these or similar facilities. This definition shall not include a group home, a methadone treatment facility, a drug and alcohol rehabilitation facility, a half-way house or a temporary shelter.

2. Figure 213.I of Section 213.I, titled "AREA & DESIGN REQUIREMENTS WITHIN THE (R-3) ZONE" (previously amended by Revision 29 of Ordinance 141-A) is amended to add "Nursing, rest or retirement homes" as a use and to provide for the following:

FIGURE 213.I AREA & DESIGN REQUIREMENTS WITHIN THE R-3 ZONE										
Use	Maximum Permitted Density (DU/acre)	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks				Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	One Side	Both Sides	Rear		
Nursing, Rest or Retirement Home	27 care beds/acre	2 acres	100 ft.	80 ft.	25 ft.	15 ft.	30 ft.	30 ft.	50%	60 ft.

3. Section 220.B of the Zoning Ordinance, relating to uses permitted by right in the Commercial (C) Zoning District, is amended to re-number existing sub-section 23, relating to "Accessory uses," to 24 and to add a new sub-section 23 identifying the use "Nursing, rest or retirement homes."

4. Section 213.B of the Zoning Ordinance, relating to uses permitted by right in the Multi-Family Residential (R-3) Zoning District, is amended to re-number the existing sub-section 12 relating to "Accessory uses" to 13 and to add as a new subsection 12 the use "Nursing, rest or retirement homes."

5. Section 213.C of the Zoning Ordinance, relating to special exception uses in the Multi-Family Residential (R-3) Zoning District, is amended to delete existing sub-section 3 relating to "Nursing, rest or retirement homes" as a special exception use and re-number existing sub-sections 4 and 5 as 3 and 4, respectively.

SECTION 4: PROTANTO REPEAL

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

SECTION 6: SAVINGS CLAUSE

To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if same can be accomplished without the structure of the Ordinance having been destroyed by the elimination of that word, phrase, portion or provision found to be invalid or void.

DULY ENACTED AND ORDAINED this 8th day of April, 2013, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF UPPER SAUCON
BOARD OF SUPERVISORS**



CHAIRMAN



VICE CHAIRMAN



SUPERVISOR



SUPERVISOR



SUPERVISOR

ATTEST:



SECRETARY