

**TOWNSHIP OF UPPER SAUCON  
LEHIGH COUNTY  
ORDINANCE NO. 141-G**

**AN ORDINANCE AMENDING SECTION 113 OF THE UPPER SAUCON TOWNSHIP  
ZONING ORDINANCE OF 2009, TO REVISE THE DEFINITION OF "FAMILY"**

**SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS**

**WHEREAS**, Upper Saucon Township (hereinafter, "Township") is duly empowered by the Second Class Township Code and the Municipalities Planning Code to enact land use and other regulations relating to the public health, safety and general welfare; and

**WHEREAS**, on June 9, 2009, the Township Board of Supervisors (hereinafter, "Supervisors") enacted a comprehensive amendment to the Zoning Ordinance; and

**WHEREAS**, the Supervisors enacted various amendments thereafter, including an amendment to the definition of "Family" on October 4, 2010, found at revision 2 of Ordinance 141-A; and

**WHEREAS**, Ordinance 141-A reduced the Section 113 definition of "Family" in relevant part from three (3) unrelated persons occupying a dwelling unit to two (2) such persons; and

**WHEREAS**, the Supervisors find that that the reduction from three (3) to two (2) such persons creates an unintended inconsistency between sub-section D of the definition which relates to community living arrangements (hereinafter, "group home") and applicable Department of Public Welfare (hereinafter, "DPW") regulations which do not require licensing of a group home for less than three (3) persons; and

**WHEREAS**, the Supervisors find that the best interests of the Township are served by revising the definition of "Family" in the Zoning Ordinance so as to provide for consistency with DPW licensing requirements for group homes by increasing the number of unrelated persons from two (2) to three (3) in sub-section C.

**NOW, THEREFORE**, the Board of Supervisors of Upper Saucon Township does hereby enact and ordain the following amendment to the Upper Saucon Township Zoning Ordinance, as amended.

## **SECTION 2: ZONING ORDINANCE TEXT AMENDMENTS**

1. The definition of "FAMILY" 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:

**"FAMILY** - Any one of the following:

- A. A single individual occupying a dwelling unit.
- B. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit.
- C. Not more than three (3) unrelated persons occupying a dwelling unit.
- D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation, and the cleaning of their dwelling unit together and who are part of a community-based residential home that qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and board, personal care, rehabilitative services, and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a "family." "

## **SECTION 3: 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 4: EFFECTIVE DATE**

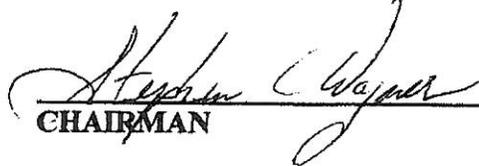
This Ordinance shall become effective five (5) days after enactment by the Township Supervisors.

## **SECTION 5: 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 9<sup>th</sup> day of SEPTEMBER, 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