

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

ORDINANCE NO. 141-J

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009 TO ADD A DEFINITION FOR “TRANSITIONAL CARE FACILITY” AT SECTION 113; TO AUTHORIZE TRANSITIONAL CARE FACILITIES IN THE COMMERCIAL (C), ENTERPRISE (E) AND INDUSTRIAL (I) ZONING DISTRICTS AS A USE PERMITTED BY RIGHT UNDER SECTIONS 220.B, 230.B AND 231.B; AND TO ADD SPECIFIC, ADDITIONAL CRITERIA FOR TRANSITIONAL CARE FACILITIES TO ARTICLE 4 RELATING TO SPECIFIC CRITERIA FOR CERTAIN USES.

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, on June 9, 2009, the Board of Supervisors of Upper Saucon Township (hereinafter, “Supervisors”) enacted a comprehensive amendment to the Upper Saucon Township Zoning Ordinance; and

WHEREAS, the Supervisors have, from time to time, amended the Zoning Ordinance to, among other things, clarify and simplify terminology, address issues impacting enforcement and provide for new uses; and

WHEREAS, the Supervisors find that there exist institutions and facilities which provide specialized medical care focusing on certain stages of the recovery process, and that such facilities do not fit easily within the standard definitions utilized in zoning ordinances for uses such as hospitals and nursing homes; and

WHEREAS, the concept of a Transitional Care Facility is an example of such an institution; and

WHEREAS, the Supervisors find that it is reasonable to separately define a Transitional Care Facility and to provide for such use in certain Zoning Districts of the Township, subject to reasonable regulation, and that the same is 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.

SECTION 2: ZONING ORDINANCE TEXT AMENDMENTS

1. Section 113 of the Zoning Ordinance, relating to SPECIFIC WORDS AND PHRASES, is amended to add the following definition:

“Transitional Care Facility (“TCF”) – A facility requiring skilled nursing licensure from the Commonwealth of Pennsylvania, providing primarily short-term inpatient medical care on a twenty-four (24) hours per day basis, for patients medically stable sufficient for hospital discharge but continuing to require intermediate inpatient services; a TCF provides specialized therapy and rehabilitative care in a hospital - oriented setting, but without the emergency room or acute surgical services typically associated with a Hospital. A TCF is included in the uses permitted by right in the Commercial (C) Zone (Section 220.B), the Industrial (I) Zone (Section 230.B) and the Enterprise (E) Zone (Section 231.B).”

2. Section 220.B, relating to “USES PERMITTED BY RIGHT” in the Commercial (C) Zone is hereby amended to add the following:

“24. Transitional care facility.”

3. Section 230.B, relating to “USES PERMITTED BY RIGHT” in the Industrial (I) Zone is hereby amended to add the following:

“32. Transitional care facility.”

4. Section 231.B, relating to “USES PERMITTED BY RIGHT” in the Enterprise (E) Zone is hereby amended to add the following:

“19. Transitional care facility.”

5. Article 4, relating to “Specific Criteria” is hereby amended to add the following:

“Section 492 Transitional Care Facility (“TCF”)

492.A. Within the C, I & E Zones, a TCF with related accessory uses is permitted by right, subject to the following specific standards:

492.B. Minimum lot area - five (5) acres;

492.C. Maximum patient beds - one hundred twenty (120);

- 492.D. Parking – at least one (1) vehicle parking space for every two (2) beds, one (1) vehicle parking space for each employee or staff member on the largest shift and off street loading spaces in accordance with Section 313;
- 492.E. Connections to public water and public sewer; and
- 492.F. Compliance with all other requirements of Sections 220 (Commercial Zone), 230 (Industrial Zone) and Section 231 (Enterprise Zone), as applicable.”

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 Board of Supervisors of Upper Saucon Township.

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 28th day of September, 2015, 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

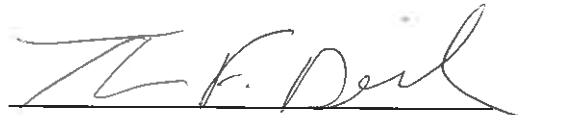


SUPERVISOR



SUPERVISOR

ATTEST:



SECRETARY



SUPERVISOR