

**TOWNSHIP OF SMITHFIELD
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

(Duly Adopted _____)

AN ORDINANCE OF THE TOWNSHIP OF SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27-TOWNSHIP CODE OF ORDINANCES: SMITHFIELD TOWNSHIP ZONING ORDINANCE TO REPEAL THE ZONING ORDINANCE AMENDMENT THAT ALLOWED A RESIDENTIAL DRUG, ALCOHOL AND/OR SUBSTANCE ABUSE TREATMENT FACILITY IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONING DISTRICT SO AS TO COMPLETELY REMOVE THAT USE FROM THAT ZONING DISTRICT AND TO AMEND THE ORDINANCE FOR AN EXPANDED DEFINITION OF A REHABILITATION FACILITY.

WHEREAS, Smithfield Township (the “Township”) is a political subdivision of the County of Monroe, Commonwealth of Pennsylvania and is a Second Class Township with offices located at 1155 Red Fox Road, East Stroudsburg, Pennsylvania 18301; and

WHEREAS, the PA Second Class Township Code (hereinafter referred to as “Code”) provides that the Board may adopt zoning, subdivision and land development regulations (53 P.S. Section 66516); and,

WHEREAS, the Township has in effect a Township Zoning Ordinance as hereinafter described and designated in Chapter 27 of the Township Code of Ordinances; and,

WHEREAS and by Township Ordinance No. 238 (adopted on September 9, 2020), the Township allowed a residential drug, alcohol and/or substance abuse treatment facility (hereinafter “rehabilitation facilities”) to be placed in the R-1 (Low Density Residential) Zoning District; and,

WHEREAS and by Township Ordinance No. 237¹ (adopted on July 28, 2021), the Township enacted an Economic Development (ED) Zoning District which was a new commercial district intended to inter alia encourage a number of compatible, non-residential uses-see Section 27-309 (of the Township Code of Regulations)-Schedule of District Regulations for the Economic Development District-District Intent (page 27-38); and,

WHEREAS, a rehabilitation facility is allowed as a principal permitted use in the ED Zoning District-see Section 27-309 (of the Township Code of Regulations)-Schedule of District Regulations for the Economic Development District-Principal Permitted Uses (page 27:39); and,

WHEREAS and pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. §10609, a procedure has been established for a municipality to enact zoning amendments; and,

WHEREAS, the Township Board of Supervisors has decided that a zoning amendment allowing such rehabilitation facilities in the R-1 Zoning District is no longer necessary since such facilities are now permitted in the ED (Economic Development) Zoning District as a permitted use as noted above; and,

¹ This ordinance number (as adopted) is out of sequence as it should be a number after Ordinance No. 238.

WHEREAS and by way of clarification, the Board of Supervisors also believes that the definition of a rehabilitation facility should be expanded to include all types of rehabilitation services; and,

WHEREAS and pursuant to the Pennsylvania Municipalities Planning Code, both the Township Planning Commission and the Monroe County Planning Commission have reviewed the proposed zoning amendment; and,

WHEREAS, the Smithfield Township Board of Supervisors has conducted a public hearing pursuant to public notice concerning the proposed zoning amendment to the Smithfield Township Zoning Ordinance; and

WHEREAS, after holding a public hearing, the Smithfield Township Board of Supervisors desires to ordain and adopt the zoning amendment to the Smithfield Township Zoning Ordinance as set forth hereinafter; and

WHEREAS, this ordinance is an amendment to the Township's existing zoning ordinance and is consistent with the PA Second Class Township Code and the PA Municipalities Planning Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ENACTED AND ORDAINED by the Board of Supervisors of Smithfield Township, Monroe County, Pennsylvania, as follows:

SECTION 1: The above recitals are herein incorporated by reference and made a part hereof.

SECTION 2: Section 27-309 (of the Township Code of Regulations)-Schedule of District Regulations: R-1 Low Density Residential District (see page 27-33) is amended to remove "residential drug, alcohol and/or substance abuse treatment facility" from the conditional uses listed in the R-1 (Low Density Residential) Zoning District and this use is also not to be allowed as a permitted, special exception or accessory use in the R-1 (Low Density Residential) Zoning District.

SECTION 3: Section 27-1002 (of the Township Code of Ordinances)-Part 10-Definition is amended whereby the present definition of a REHABILITATION FACILITY² is repealed in its entirety and completely restated in its entirety as follows:

"Rehabilitation Facility" is defined "as a licensed establishment which is a combination of temporary housing, medically supervised subacute care, personal supportive services and counselling for individuals of all ages with twenty-four (24) hour supervision whose primary purpose is the rehabilitation of persons for drug, alcohol, substance abuse or mental health issues. Such services may include inter alia medical care by physicians or physician or nurse assistants, skilled or unskilled nursing care, drug, alcohol and substance abuse rehabilitation, physical therapy, occupational therapy, speech pathology services, counselling, assistance to emotionally and mentally disturbed persons and halfway houses for prison parolees and juveniles. This definition shall also include a "residential drug, alcohol and/or substance abuse treatment facility."

² "Rehabilitation Facility" is presently defined as a licensed establishment with twenty-four hour supervision whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, physical therapy, occupational therapy, speech pathology services, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles. See pages 27-269 and 27-270

SECTION 4: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 5: The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

SECTION 6: This Ordinance shall become effective five (5) days after enactment.

ENACTED this _____ day of _____, 2023 by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania at a duly advertised and public meeting.

**SMITHFIELD TOWNSHIP
BOARD OF SUPERVISORS**

Jacob A. Pride, Chair

Robert Lovenheim, Vice Chair

Brian E. Barrett, Supervisor

Attest: _____
Julia Heilakka
Township Manager