

**TOWNSHIP OF SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 238**

**(Duly Adopted 09-09-2020 )**

**AN ORDINANCE OF THE TOWNSHIP OF SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ENTITLED "SMITHFIELD TOWNSHIP ZONING ORDINANCE" BY ADDING A NEW DEFINITION TO BE INCLUDED IN THE EXISTING DEFINITION OF "MEDICAL AND HEALTH CARE USES" AND SITE-SPECIFIC RELIEF TO ALLOW A RESIDENTIAL DRUG, ALCOHOL AND/OR SUBSTANCE ABUSE TREATMENT FACILITY IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONING DISTRICT ON A MINIMUM LOT AREA OF TWENTY FIVE (25) ACRES**

**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 Township has in effect a Township Zoning Ordinance as hereinafter described; and,

**WHEREAS**, Water Gap Capital Partners, LLC, a landowner in the existing R-1 (Low Density Residential) Zoning District, has filed a request for a curative amendment for site-specific relief to allow a residential drug, alcohol and/or substance abuse treatment facility in that zone; and,

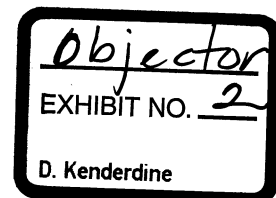
**WHEREAS**, the PA Second Class Township Code (hereinafter referred to as "Code") provides that the Board may adopt ordinances in which general or specific powers of the Township may be exercised and can include the protection of the health, safety and welfare of the Township residents (53 P.S. Section 66506); and,

**WHEREAS** and pursuant to Section 609.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609.1, and the Township Zoning Ordinance Section 902, the procedure is established to determine landowner curative amendments; 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 amendment; and,

**WHEREAS**, the Smithfield Township Board of Supervisors has conducted a public hearing pursuant to public notice concerning the following 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 landowner curative 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:** The proposed landowner curative amendment to Chapter 27 of the Township Code of Ordinances is attached hereto and marked as Exhibit "A" and is hereby made apart hereof .

**SECTION 3:** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 4:** 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 5:** This Ordinance shall become effective five (5) days after enactment.

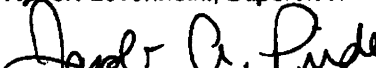
**ENACTED** this 9<sup>th</sup> day of September, 2020, by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania at a duly advertised and public meeting.

**ATTEST:**

**BOARD OF SUPERVISORS  
SMITHFIELD TOWNSHIP  
MONROE COUNTY, PA**

\_\_\_\_\_  
Brian E. Barrett,  
Chairperson of the Township Board of Supervisors

  
\_\_\_\_\_  
Robert Lovenheim, Supervisor

  
\_\_\_\_\_  
Jacob Pride, Supervisor

  
\_\_\_\_\_  
Township Secretary

• **Zoning Ordinance Section 1002-DEFINITIONS**

**Add the Definitions:**

**"RESIDENTIAL DRUG, ALCOHOL AND/OR SUBSTANCE ABUSE TREATMENT FACILITY:** facilities in which a combination of temporary housing, medically supervised subacute care, personal supportive services and counseling for individuals of all ages seeking rehabilitation for drug, alcohol and substance abuse reasons. Such facilities may include services for individuals requiring temporary skilled nursing services but will also include services focusing on mental health therapy."

**Add the above definition to the existing language:**

**"MEDICAL AND HEALTH CARE USES"** definition is now to include the definition of "Residential Drug, Alcohol and/or Substance Abuse Treatment Facility".

• **SCHEDULE OF DISTRICT REGULATIONS (SECTION 305)**

**Add the following language to the Conditional Use category**

**"R-1 Low Density Residential District...Conditional Uses to include a Residential Drug, Alcohol and/or Substance Abuse Treatment Facility"**

• **SUPPLEMENTARY REGULATIONS APPLICABLE TO OTHER USES**

**"3.5 Residential Drug, Alcohol and/or Substance Abuse Treatment Facility where permitted shall be subject to the following standards:**

- a. The minimum lot area for the facility shall be twenty five (25) acres; and,
- b. All drug, alcohol and/or substance abuse treatment and related activities shall be rendered on site and not off ~~premises~~ site
- c. The overall maximum number of patients persons in treatment at any one time shall be no more than sixty (60) persons"