

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF TOBYHANNA TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF TOBYHANNA, CHAPTER 155, ZONING TO AMEND 155-5 ARTICLE IV ADDING A DEFFINITION FOR BEHAVIORAL HEALTH TREATMENT FACILITY; TO AMEND 155-16 ARTICLE VIII TO INCLUDE BEHAVIORAL HEALTH TREATMENT FACILTY AS A CONDITIONAL USE TO THE "C" COMMERICAL DISTRICT; TO AMEND 155-18 ARTICLE X (ATTACHEMENT 155-1) PROVIDING FOR MINIMUM LOT AND YARD REQUIREMENTS; TO AMEND 155-55 ARTICLE XII TO PROVIDE FOR MINIMUM REQUIREMENTS FOR OFF STREET PARKING; AND TO AMEND 155-106 ARTICLE XV PROVIDING FOR CONDITIONS OF APPROVAL FOR BEHAVIORAL HEALTH TREATMENT FACILITY**

**WHEREAS** the Township of Tobyhanna is empowered to enact zoning ordinances to regulate the use of land pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, et seq.; and

**WHEREAS** Tobyhanna Township is continually planning for continued development within the Township; and

**WHEREAS** the Township Zoning Ordinance currency does not allow the flexibility for the development of a behavioral health treatment facility use in the C-Zoning District.

**WHEREAS** in the judgment of the Board of Supervisors, the proposed amendment is consistent with sound community planning principles and the Township's development objectives to accommodate and recognize community needs; and

**NOW, THEREFORE** be it **ORDAINED AND ENACTED** by the Board of Supervisors of Tobyhanna Township, Monroe County Pennsylvania, and it is hereby enacted by the authority of the same, that the Zoning Ordinance of Tobyhanna Township Code of Ordinances, is amended as follows that Chapter 155, "Zoning" and Conditional Uses" be and is hereby amended as follows:

**SECTION 1.**

§155-5B

**Definitions**

**Behavioral Health Treatment Facility.** A facility providing sub-acute medical care and/or clinical services for persons with substance use disorder and/or co-occurring mental health issues, who need specialized housing, treatment and/or counseling at an inpatient, residential setting.

§155-16

**D. Conditional Uses**

(5) Behavioral Health Treatment Facility, as provided in §155-106.10

§155-18

**“C” Commercial District Minimum Lot and Yard Requirements (Amended 155 Attachment 1 as Exhibit A)**

§155-55L

**Minimum Requirements for Off Street Parking – Add under “Building Type” in alphabetical Order:**

**Behavioral Health Treatment Facility**

**Add under “Minimum Parking Spaces Required”:**

1 for each 3 beds, plus 1 space for each employee on the largest shift

§155-106.10

**Behavioral Health Treatment Facility.**

A Behavioral Health Treatment Facility (the “Facility”) shall be permitted by as a conditional use in the C-Commercial District and shall comply with the following requirements:

- A. All requirements under Article X, Minimum Lot and Yard Requirements, and any other requirements of this chapter or any other ordinance of the Township to include Chapter 135 Subdivision and Land Development
- B. All outdoor storage of supplies and/or waste shall be adequately screened by planting or fencing.
- C. The use shall be conducted on a parcel containing no less than three contiguous acres. Privacy fencing or landscaping shall screen the Facility from any adjacent residential properties as provided in this chapter and Chapter 135 Subdivision and Land Development. All fencing and screening shall be depicted in the site plan and must be maintained in good condition.

- D. The appropriate area and number of off-street parking spaces shall be provided, as described in Chapter 155-55L, and access to parking areas and emergency entrance(s) shall be designed to minimize disturbance to adjoining properties.
- E. The Facility shall hold and maintain all relevant licenses and certificates required by the Commonwealth of Pennsylvania in order to operate the facility.
- F. The Facility shall hold a certificate of occupancy from the Department of Labor and Industry or its local equivalent.
- G. The Facility shall comply with all security regulations promulgated by the Commonwealth of Pennsylvania with respect to the operation of a licensed facility. The Facility shall maintain security cameras and alarms and monitor interior and exterior activity.
- H. The number of clients/patients shall not exceed the number of clients for which the Facility has been licensed and permitted by the Commonwealth of Pennsylvania. The Facility shall only accept patients of an age for which the Facility has been licensed and permitted by the Commonwealth of Pennsylvania.
- I. The Facility shall comply with all relevant staffing requirements established by the Commonwealth of Pennsylvania for the operation of a treatment center including the provisions of Chapter 704 of Title 28 of the Pennsylvania Code setting forth staffing requirements for drug and alcohol treatment activities. 28 Pa.Code §§704.1 to 704.12.

- J. The Facility shall comply with all relevant physical plant standards for residential facilities required by the Commonwealth of Pennsylvania for the operation and treatment center including the provisions of Chapter 705, Subchapter A, of Title 28 of the Pennsylvania Code setting forth physical plant standards for residential drug and alcohol treatment facilities. 28 Pa.Code §§704.1 to 704.11. The foregoing regulations include relevant requirements for the size of the bedrooms, the maximum number of residents that may share a bedroom, required common areas, bathroom provisions, food service, heating and cooling, general safety and emergency procedures, and fire safety with which the Facility must comply.
- K. The Facility shall operate and be staffed 24 hours per day. The Facility shall establish a policy designating reasonable visiting hours for persons who wish to visit the clients or patients. The visiting hours shall not begin earlier than 8:00 a.m. and will not end later than 9:00 p.m.
- L. The Facility shall consult with the relevant local emergency responders, including fire, police, and ambulance services, to coordinate and adopt an emergency response plan and protocol. The Facility shall also have written procedures for staff and residents to follow in case of an emergency that shall include provisions for the evacuation of residents and staff to a safe location and the assignment of staff during emergencies.
- M. Provisions shall be made for water supply and sewerage disposal in accordance with accepted practice and applicable state, county, and Township regulations and standards. Provision shall be depicted on site plans.

**SECTION 2.** At least three copies of said full Ordinance are on file in the Office of the Township Secretary for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Secretary.

**SECTION 3.** This ordinance shall take effect upon final passage and publication according to law.

**SECTION 4.** Upon adoption of this Ordinance, after public hearing thereon, the

Township Secretary is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the Monroe County Planning Board as required by law.

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**Effective Date.** This Ordinance shall become effective five (5) days after final enactment.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**TOBYHANNA TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
John E. Kerrick, Chairman

\_\_\_\_\_  
David Carbone, Vice Chairman

\_\_\_\_\_  
Brendon J.E. Carroll

\_\_\_\_\_  
Rachel Schickling

\_\_\_\_\_  
Joseph Colyer

ATTEST:

\_\_\_\_\_  
Bethanne Eisler, Township Secretary

ZONING

155 Attachment 1

Township of Tobyhanna  
 Minimum Lot and Yard Requirements  
 C Commercial District

[Amended 10-12-2004 by Ord. No. 453; 12-27-2005 by Ord. No. 458; 3-10-2008 by Ord. No. 462]

Use	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Habitable Floor Area (square feet)	Maximum Building Height (feet)	Miscellaneous Requirements
Permitted uses	40,000	150	200	30%	50	25	25	—	38	See § 155-16B
Motor vehicle service stations, public garages, Towing Business	40,000	150	150	30%	50	25	25	—	38	See § 155-60 See § 155-54 See § 155-55
Municipal uses	—	150	200	30%	50	25	25	—	38	As deemed necessary by Supervisors
Permitted accessory uses	—	—	—	—	Same as RR District			—	15/38	Same as RR District— See 155-11L.(2)
Lumbering	—	—	—	—	—	—	—	—	—	—
Cemeteries	40,000	150	200	—	10	10	10	—	38	See § 15512B(8)
Gaming Establishments	2 acres	150	200	40%	50	25	25	—	See § 155-16F	See § 155-16J
Resorts and Gaming Resorts	200 acres	150	200	75% Subject to the provisions of § 155-16J	50 Subject to the provisions of § 155-16(3)	25 Subject to the provisions of § 155-16(3)	25 Subject to the provisions of § 155-16(3)	—	See § 155-16F	See § 155-16J
<b>Special exception:</b>										
Day-care center	40,000	150	200	30%	50	25	25	—	38	See § 155-94
Apartment buildings	43,560	150	150	20%	60	30	50	500 per dwelling unit	38	See § 155-91
Truck terminals	40 acres	800	1,250	—	See § 155-92			—	29	See § 155-92
Public utilities	87,120	150	200	30%	50	25	25	—	38	As deemed necessary by the Zoning Hearing Board



Exhibit 1

155 Attachment 1:2

08 - 15 - 2008

DRAFT