

DAMASCUS TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA

ZONING ORDINANCE AMENDMENT – ECHO HOUSING (ELDER CARE HOUSING OPPORTUNITY)

ORDINANCE NUMBER 2022- 01

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF DAMASCUS TOWNSHIP,
WAYNE COUNTY, PENNSYLVANIA TO CREATE AND REGULATE ELDER CARE
HOUSING OPPORTUNITY STANDARDS.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Damascus Township, Wayne County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," the Damascus Township Zoning Ordinance of August 4, 1997, as follows:

AMEND the Zoning Ordinance of Damascus Township by amending Article II, Definitions, by adding the following terms:

ECHO HOUSING (ELDER CARE HOUSING OPPORTUNITY)

A temporary additional dwelling unit placed on a property for occupancy by either an elderly, handicapped or disabled immediate family member. The elder cottage shall be occupied by either an elderly (62 years or older) or challenged (mentally, physically, emotionally) person related to the occupants of the principal dwelling by blood, marriage or adoption;

ACCESSORY DWELLING

An additional dwelling unit placed upon any property as ECHO housing or upon an agricultural property for immediate family members as provided for by the Township Zoning Ordinance. Accessory dwellings shall be processed in accordance with the Accessory Dwelling Guidelines as provided herein.

AMEND the Zoning Ordinance of Damascus Township by amending Article III, Section 306, Development Standards and Schedule of District Regulations by incorporating a new section to permit Elder Care Housing Opportunity (ECHO) as an Accessory Use in all zoning districts; and by amending Article IV Supplementary Regulations by adding Section 435 with specific provisions for the permitting of certain Elder Care Housing Opportunity units, and the Damascus Township Zoning Ordinance shall be amended in the following respects:

The following shall be added to Section 306 – Schedule of District Regulations, specifically:
Add “ECHO” as an Accessory Use in all Zoning Districts

The following shall be added to Article IV – Supplementary Regulations:

Section 435 – Elder Care Housing Opportunity (ECHO)

Within all Zoning Districts, ECHO housing is permitted as an accessory use on parcels of land no less than 1 acre with an existing single-family dwelling, subject to the following criteria:

- A. The elder cottage shall not exceed 900 square feet of floor area;
- B. The elder cottage shall be occupied by either an elderly (62 years or older) or challenged (mentally, physically, emotionally) person related to the occupants of the principal dwelling by blood, marriage or adoption;
- C. The elder cottage shall be occupied by a maximum of two people;
- D. Utilities.
 - (1) For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards and fees; and
 - (2) If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Officer showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case, the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Sewage Enforcement Officer.
 - (3) Reason for denial by the Sewage Enforcement Officer shall be only for malfunctioning sewage disposal systems either at the time of each annual application or during the one-year period of the accessory use permit.
- E. A minimum of one all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;
- F. Any new elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all property setback requirements for principal uses, except for an existing former dwelling location with water and sewer connection;
- G. Any new elder cottage shall be removed from that property within 90 days after it is no longer occupied by a person who qualifies for the use, water and sewer connections shall be capped or removed;
- H. Upon the proper installation of the ECHO housing, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every 12 months until such time as the ECHO housing is terminated.
- I. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary use and occupancy permit. Such fee shall be based upon the cost of the annual review of the permit;
- J. The landowner shall enter into an agreement with the Township, which shall be kept on file at the Township Office, that sets forth the understandings and limitations of the ECHO housing;
- K. Change in use of the ECHO housing to any use not specifically approved by the Township shall require additional approvals by the Township, including, but not limited to, approval under the Township Subdivision and Land Development Ordinance;

SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Damascus Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

REPEALER

All Ordinances, or parts of Ordinances which are inconsistent herewith, are hereby repealed.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED into law by the Board of Supervisors of Damascus Township, Wayne County, Pennsylvania, this 21 day of March, 2022.

ATTEST: Melissa Haviland
Melissa Haviland, Secretary

Joseph K. Canfield
Joseph K. Canfield, Chairman

Scott Rutledge
Scott Rutledge, Vice-Chairman

Steven R. Adams
Steven R. Adams, Supervisor

