

**BOROUGH OF SWARTHMORE
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1084**

**AN ORDINANCE OF THE BOROUGH OF SWARTHMORE, COUNTY OF DELAWARE,
COMMONWEALTH OF PENNSYLVANIA, AMENDING AND/OR SUPPLEMENTING THE ZONING
CODE OF THE BOROUGH OF SWARTHMORE BY ADDING A DEFINITION OF FAMILY/CAREGIVER
SUITE, PERMITTING FAMILY/CAREGIVER SUITES BY SPECIAL EXCEPTION IN ALL ZONING
DISTRICTS AND ESTABLISHING STANDARDS AND CRITERIA FOR FAMILY/CAREGIVER SUITES**

BE IT ENACTED, by the Borough Council of the Borough of Swarthmore as follows:

Section 1. Purpose.

The purpose of this ordinance is to maintain the viability of Swarthmore as an age-friendly community by providing alternative living arrangements without altering the existing residential quality of the immediate neighborhood, natural features, or open space.

Section 2. Definitions

Section 1240.05 of the Code of the Borough of Swarthmore is hereby amended by adding the following new definitions, in alphabetical order:

“Disability” is as defined here from the Americans with Disabilities Act, “a physical or mental impairment that substantially limits one or more major life activities.”

“Efficiency kitchen” is defined as a small cooking area with a sink, refrigerator and other countertop cooking appliances but without built-in facilities for cooking and baking.

“Elder” is defined as a person age 65 or older.

“Caregiver” is defined as an individual who provides a broad range of assistance for an elder or an adult with a disability.

“Family/Caregiver Suite” is defined as not more than two rooms plus a bathroom and efficiency kitchen. The suite may only be occupied by up to two persons who may be either: related to the occupants of the main dwelling by blood, marriage, adoption or foster care; or unrelated to the occupants of the main dwelling, provided that one of the suite occupants is a caregiver for an elder or a person with a disability who is an occupant of the main dwelling.

Section 3. Amendment of Chapter 1264, entitled Supplemental Regulations.

Chapter 1264 of the Code of the Borough of Swarthmore is hereby amended by adding the following new Section 1264.18, entitled "Family/Caregiver Suites:"

1264.18 Family/Caregiver Suites

(a) **Zoning Districts**

Family/caregiver suites shall be allowed by Special Exception in all Zoning Districts in the Borough of Swarthmore Zoning Code.

(b) **Standards and Criteria**

In addition to meeting the requirements contained in the definition of "Family/Caregiver Suite" in the Borough of Swarthmore Zoning Code and the general Special Exception requirements found in 1264.17 of the Borough of Swarthmore Zoning Code, the following shall apply:

1. Not more than one family/caregiver suite shall be permitted in a dwelling.
2. The gross floor area of the suite shall not exceed 35 percent of the combined gross floor area of the main dwelling and the family/caregiver suite.
3. The suite shall be designed so that it can function as an integral part of the principal dwelling although the occupants may live independently of each other.
4. Primary access to the suite shall be from the interior of the rest of the dwelling; external access shall be provided only if a secondary means of egress is required and no other means is available or if an accessible pathway is required and cannot be achieved through the primary dwelling.
5. The suite shall not have separate utility service (i.e., electric meter and water meter).
6. There shall be only one address for the property.
7. In no instance may a family/caregiver suite be located in an accessory structure.
8. The owner of the property shall file with the Borough, on an annual basis, the name and relationship of the person occupying the family/caregiver suite.

(c) Application Procedures

1. Applicants must follow the procedures for Special Exceptions outlined in Section 1242.075 of the Borough of Swarthmore Zoning Code.

Section 4. Severability.

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

Section 5. Repealer.

All resolutions or ordinances, or parts thereof that are inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 6. Adoption.

This Ordinance shall take effect and be in force from and after its enactment as required by law.
ADOPTED THIS 13TH DAY OF NOVEMBER, 2018.

BOROUGH COUNCIL

David J. Creagan
President

ATTESTED THIS 13TH DAY OF
NOVEMBER, 2018

APPROVED THIS 13TH DAY OF
NOVEMBER, 2018

Jane C. Billings
Borough Manager

Tim Kearney
Mayor