

Council Position Statement on 349 Brighton Road

As members of the Plymouth Township Council, we are fully dedicated to serving the interests of Plymouth Township and its residents. This commitment is demonstrated through our ongoing efforts to listen attentively to residents, address their questions, and actively seek to understand their needs, concerns, suggestions, and requests. We strive to respond to questions and to accommodate requests and address residents' needs in a timely manner, whenever it is feasible, reasonable, and legal to do so.

Our responsibilities also include making decisions and taking actions that benefit the Township as a whole. This means supporting the Township's ability to survive, adapt, and ultimately flourish—while simultaneously protecting the Township from undue and preventable harm or risk.

In addition, each Council member has sworn an oath to uphold the Constitution of the United States and the Constitution of the Commonwealth. This oath serves as a guiding principle for all our actions and decisions.

In response to concerns raised by residents about the property at 349 Brighton Road, the Council has made every effort to listen thoroughly and address questions in accordance with our commitments and responsibilities. We have engaged directly with residents and have also distributed a Frequently Asked Questions (FAQ) document through multiple versions. This document was made available on our website and sent directly to residents who requested it, ensuring transparency and open communication.

Moving forward, the Council will continue to respond to any new or unresolved questions that may arise. At the same time, we wish to clearly state our position regarding the issue of a sober living home on 349 Brighton Road.

We acknowledge, respect, and base our decisions on the following facts:

- The use of 349 Brighton Road as a sober living home is a by-right, permitted use under Township regulations. This means the property does not require any special approval from the Township to operate as a sober home.
- The Township's zoning code is available for public review at: <https://ecode360.com/26906730#26906730>.
- Individuals recovering from addiction are recognized as people with disabilities and are considered a protected class. This status is supported by federal law, which ensures that they are afforded specific protections.

- These protections require the Township to treat the property, its owner, and all residents equally and without discrimination. This includes processing all applications and permits in a timely manner, based on their compliance with building, fire, and life-safety codes and regulations.
- All laws, ordinances, requirements, rules, codes, administrative procedures, and regulations that apply to other properties, owners, and residents in Plymouth Township apply equally to 349 Brighton Road and will be enforced accordingly.

In addition, the Council is bound by its sworn duty to uphold the Constitution of the United States and the Constitution of the Commonwealth, and to comply fully with all applicable laws, codes, ordinances, and regulations governing the Township and its residents.

Round 3 - FAQs

Q: Does the Township approve sober living homes?

A: It is important to understand that a sober living home at any property located in a residentially zoned district within Plymouth Township—is considered a *by-right use of the property*. This means that such a use is permitted by the Township’s zoning code, which is designed to comply fully with the federal Fair Housing Act.

Neither Plymouth Township Council nor Township staff have the authority to approve or deny the establishment of a sober living home simply because of its intended use as a sober living home.

Q: Does the Township notify neighbors of proposed plans for sober living homes?

A: The Township does not notify residents of any by-right property use within the Township. This is because such uses are permitted as a matter of law under the Township’s zoning code, and notification is neither part of the legal nor administrative processes for these types of uses.

Q: Does the Township limit the number of sober living homes in Plymouth Township? Does it limit rental properties?

A: No, the Township does not restrict the number of group homes of any kind, including sober living homes, within its boundaries. Implementing such limitations would place the Township in violation of the federal Fair Housing Act, which prohibits discrimination and ensures equal housing opportunities. Additionally, the Township does not limit the number of residential rental properties operating in Plymouth Township.

Q: Does the Township have operational oversight of a sober living home?

A: The Township does not review, approve, or oversee the operational procedures, practices, or day-to-day management of a sober living home, or of any other business operating within the Township.

Q: How does the Township ensure that sober homes adhere to all Township codes, ordinances, and permitting requirements as a residential, and as relevant, a rental property?

A: The Township is committed to ensuring that every *property* in Plymouth Township complies fully with:

- Zoning regulations
- Occupancy limits
- Parking requirements
- Building, fire, and life-safety codes
- And, as relevant—all rental property requirements—such as annual inspection

Q: Are there limits on the number of people who can reside in a sober home?

A: Yes. There are specific occupancy limits in place for rental properties within the Township. These limits are determined by a formula that is applied consistently to every rental property. Each property owner must ensure that their rental adheres to the established occupancy limit, which is calculated using the same method for all Plymouth Township rental properties.

The Township relies on the International Property Maintenance Code (IPMC) when evaluating occupancy standards for residential rental properties. Under the IPMC, a sleeping room must contain at least 70 square feet for one occupant, and at least 50 square feet per occupant when more than one person occupies the room. For example, a bedroom must contain at least 100 square feet to accommodate two occupants.

These standards are applied consistently to ensure that rental properties provide safe and habitable living conditions for occupants.

Q: How does the Township’s zoning code address the scale and type of development to ensure it is consistent with the surrounding neighborhood?

The Township’s zoning code regulates land use, density, building size, setbacks, and the types of structures permitted within each zoning district. These standards are designed to ensure that new development is consistent with the established development pattern of the area, such as whether it consists primarily of single-family detached homes, townhouses, or commercial buildings.

Zoning regulations apply to the physical use of land and structures. They do not regulate or consider the personal characteristics of individuals who may own or occupy a property.

Q: Does the Township limit sober home residents to those who are not transient?

A: The term “transient” typically applies to individuals staying in temporary accommodations, such as hotels or motels, where the stay is brief. While the Township’s zoning code does not explicitly limit residents of sober homes to those who are not transient, the use described in the code – an interim environment between alcohol or substance rehabilitation facilities and reintegration into their future lives – contemplates residence for a meaningful period of time.

Q: Does the Township ensure that property owners have all the necessary building permits? Does code enforcement check on these properties?

A: In accordance with standard Township procedures, all work conducted on any property will be subject to the same permitting requirements—and the Township ensures that the appropriate building permits are obtained. This process guarantees that all work complies with local, state, and federal regulations as outlined in the applicable building, fire, and life-safety codes.

Additionally, the Township's Code Enforcement team monitors all construction and/or renovation projects in the Township. Code Enforcement's role is to confirm that the work adheres to the approved permits, meets all safety standards, and remains in compliance with Township ordinances.

Q: Other municipalities have more restrictive ordinances regarding sober living homes. Why doesn't Plymouth Township do the same?

A: The Township’s zoning code was drafted to provide all residents with the opportunity to live in the home of their choice within the Township. The Township’s code complies with the Fair Housing Act, which prohibits municipalities from singling out housing for persons with disabilities for regulation and requires municipalities to make modifications to generally applicable regulations that would otherwise hinder housing opportunities for persons with disabilities. While other jurisdictions have a variety of zoning code provisions related to sober homes and group homes, courts have overturned ordinances that impose special regulations or requirements only on group homes for the disabled (including sober homes) for violating the Fair Housing Act.

Q: Can the public participate in or provide input into property plans for sober homes?

A: For all residential properties in the Township, specific site plans for a property are publicly posted and/or announced only if there is a request for a zoning variance or zoning relief. In such cases, the matter will be publicly announced along with all other zoning hearings scheduled to take place before the Zoning Hearing Board. This is a standard procedure for the Township, ensuring transparency and consistency. All requests for zoning variances or zoning relief will be handled in a fair and consistent manner, in line with established Township practices.

Q: Does the Township have information about the residents of sober homes?

A: In the past, the Township collected the names of all rental property tenants aged 18 and older and forwarded this information to the Tax Collector. While this information is still requested on the current rental license application form available on the Township website, the Township has not collected it in several years. Even where such information is received by the Township, it is kept confidential and used only for tax purposes.

Q: What are the limits for related and non-related people living in a single-family home in a B Residential district in Plymouth Township? What is our definition of family, and how does the definition of “family” apply to a sober living home?

A: The Township’s zoning code defines Family as follows:

Any number of individuals living together on a non-transient basis as a single housekeeping unit with single cooking facilities when said individuals are related by blood, marriage or adoption, and, in addition, any domestic servants, foster children or gratuitous guests thereof; or a group of not more than five persons who need not be so related and, in addition, domestic servants or gratuitous guests thereof who are living together in a single dwelling and maintaining a common household with single cooking facilities, including occupants that are mentally or physically handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. A roomer, boarder or lodger shall not be considered a member of a family, nor shall the definition of "family" apply to the occupants of a club, fraternity house, lodge or residential club.

Additionally, the Township’s zoning code defines Sober living Environment as follows:

Residential facilities where six or more individuals reside together either voluntarily or by court order in order to recover from drug, alcohol and/or substance abuse, which serve as an interim environment between rehabilitation facilities and reintegration into their future lives. This definition shall include recovery houses and halfway houses.

The relationship between these two provisions is primarily based on the number of unrelated residents and the nature of the use. A sober living arrangement with five or fewer unrelated individuals living together as a single housekeeping unit may fall within the zoning definition of “family,” provided it operates as a common household and not as a boarding or institutional use. However, when six or more individuals reside together for recovery purposes, the use meets the code’s definition of a “Sober Living Environment” and is regulated as that specific use rather than as a single-family dwelling.

It is also important to note that residents of sober living homes may be considered persons with disabilities under federal law, and the Township evaluates such uses in a manner consistent with the federal Fair Housing Act and other applicable laws.

The Township’s zoning code may be found at <https://ecode360.com/26906730>

Q: Why does the Township’s zoning definition of a “Sober Living Environment” state that it includes recovery houses and halfway houses?

A: The sentence stating that the definition includes recovery houses and halfway houses is intended to clarify the type of residential use described in the ordinance, not to create additional categories of facilities. In this context, the ordinance defines a sober living environment as a residential setting where individuals recovering from drug, alcohol, or substance abuse live together in a supportive, substance-free environment as a transition between rehabilitation treatment and independent living. The reference to recovery houses and halfway houses reflects common terminology used to describe this type of recovery housing.

The definition is not intended to regulate rehabilitation facilities that provide medical or detoxification services, nor is it intended to address correctional or criminal justice facilities. If the Township were to consider creating a separate zoning definition for community corrections centers or similar uses, that would require a future zoning ordinance amendment and public review process.