

Ordinance No. 1392

AN ORDINANCE REGARDING AN AMENDMENT TO THE ZONING ORDINANCE OF THE BOROUGH OF SHARON HILL BY REVISING THE DEFINITION OF "FAMILY"; PROVIDING FOR DEFINITION OF "GROUP HOMES", REMOVING DEFINITION OF "COMMUNITY RESIDENCE, FAMILY BASED", ADDING SECTIONS TO PROVIDE FOR GROUP HOMES IN ALL DISTRICTS, AND AMENDING THE ZONING CODE TO INCLUDE A SEVERABILITY CLAUSE

RECITALS:

WHEREAS, the Borough of Sharon Hill is a municipality located in the County of Delaware, Commonwealth of Pennsylvania and is organized and existing pursuant to the Borough Code; and

WHEREAS, the Council of the Borough of Sharon Hill, Commonwealth of Pennsylvania and is authorized to enact a zoning ordinance to permit, prohibit, regulate, restrict or determine the use of land or structures pursuant to the Act of December 14, 1992, P.L. 815 No. 131 section 3 as amended 53 P.S. 10603; and

WHEREAS, the Council of the Borough of Sharon Hill adopted a comprehensive Zoning Ordinance which became effective on October 26, 1995; and

WHEREAS, the Zoning Ordinance does not identify, define, regulate, and or zone group homes within the Borough of Sharon Hill; and

WHEREAS, the Council of the Borough of Sharon Hill understands and recognizes that group homes serve a legitimate and important purpose in society, and in the borough of Sharon Hill, and it is not the council's intent to unlawfully limit these uses in any way that would prevent them from locating in the Borough of Sharon Hill; and

WHEREAS, it is the Council of the Borough of Sharon Hill's intention to place

reasonable restrictions on group homes so that these reasonable restrictions serve the best interests of the health, safety, and welfare of the Borough of Sharon Hill; and

WHEREAS, it is the Council of the Borough of Sharon Hill's intention to place reasonable restrictions on group homes so that these reasonable restrictions serve the best interests of the health, safety, and welfare of the residents living in group homes; and

WHEREAS, the Borough of Sharon Hill is required to provide "reasonable accommodations" with respect to fair housing under federal law, to wit, the Americans with Disabilities Act and the Fair Housing Act; and

WHEREAS, the Borough of Sharon Hill wishes to balance the needs of those requiring "reasonable accommodations" with its standards for the community as stated in its Zoning Code and Comprehensive Plans; and

WHEREAS, the Borough of Sharon Hill finds that a basic respect of the human dignity of disable persons recognizes that some such persons will better thrive and integrate into society when permitted to reside in transitional group homes; and

WHEREAS, the Borough of Sharon Hill finds that for a group home to enable its residents to achieve normalization and integration into the community, it should be located in a normal residential neighborhood, and that if several group homes were to locate next to one another, or be placed on the same block, the ability of the group homes to advance their residents' normalization would be compromised. Such clustering would create a *de facto* social service district in which many facets of an institutional atmosphere would be recreated and would change the character of the neighborhood; and

WHEREAS, the Borough of Sharon Hill finds that normalization and community integration require that persons with disabilities be absorbed into the neighborhood's social structure, the existing social structure of a neighborhood can accommodate no more than one or two group

homes on a single block because neighborhoods have a limited absorption capacity for service-dependent people that should not be exceeded.

NOW THEREFORE, the Council of the Borough of Sharon Hill, County of Delaware, Commonwealth of Pennsylvania, does hereby ORDAIN AND ENACT the following:

THAT THE BOROUGH OF SHARON HILL ZONING CODE IS AMENDED AS FOLLOWS:

SECTION 1. Section 201, Definitions of Terms, is hereby amended by revising the definition of "Family" as follows:

FAMILY

Any number of individuals related by blood, guardianship, marriage or adoption, including foster children living together as a single housekeeping unit with a single cooking facility; or a group of less than eight persons who need not be so related who are living together in a single dwelling and maintaining a common household with a single cooking facility, including occupants that are mentally or physically handicapped, as defined by Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. These uses shall be distinguished from a group of individuals occupying a boardinghouse, club, fraternity, motel or inn.

SECTION 2. Section 201, Definitions of Terms, is hereby amended by adding the definition of “Group Home” as follows:

GROUP HOME

A residential unit used as living quarters by eight or more unrelated persons specifically designed to create a residential setting for the mentally and physically handicapped, as that term is defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. The following criteria shall be met:

- (a) The applicable regulations of the United States of America, Commonwealth of Pennsylvania, County of Delaware, and/or Borough of Sharon Hill governing this specific use shall be met:
- (b) All certifications and/or licenses issued by the United States of America, Commonwealth of Pennsylvania, County of Delaware, and/or Borough of Sharon Hill for this specific use shall be obtained prior to the granting of a permit by the Zoning Board.
- (c) The minimum space and occupancy requirements of Chapter 200, Housing and Property Maintenance, of the code of Borough of Sharon Hill shall be met.
- (d) Drug and alcohol Recovery Homes – A Drug and Alcohol Recovery Home is a group home that operates as a Drug and Alcohol Recovery Home as defined in the Act of Dec. 19, 2017, P.L. 1187, No. 59 (“the Act”), and is licensed pursuant to the

regulations promulgated thereunder. This term does not include roomers, boarders, lodgers, members of a family [except those protected as “handicap” under the provisions of Sections 3602(h) and 3604 of the Fair Housing Act] or any other use otherwise defined, described or regulated in this Ordinance. A Group Home that desires to operate as a Drug and Alcohol Recovery Home must be licensed pursuant to the Act to be an allowed use.

(e) A request for a reasonable accommodation for this use as required under the Federal Fair Housing Act, as amended, by providing an exception to the maximum number of unrelated persons living in a dwelling unit and/or restriction to the R-1 Residence, R-2, R-3, Commercial, and Limited Industrial districts, shall be granted if the following standards and conditions are met:

1. All requirements under the definition of “Group Home” above;
2. In R-1, R-2 and R-3 districts, group homes shall have eight (8) or fewer residents;
3. A property containing a Group Home shall be a minimum distance of three hundred (300) feet from any other property containing a Group Home.
4. A property containing a Drug and Alcohol Recovery Home shall be a minimum distance of 1,000 feet of the real property on which is located a public, private or parochial school, day care, or a college or university or within 250 feet of the real property on which is located a recreation center or playground

Nothing in this provision shall limit the Borough from granting other reasonable accommodations for this use where the requested accommodation is consistent with the health, safety and welfare of Borough of Sharon Hill residents.

Section 3. Section 201, Definitions of Terms, is hereby amended by deleting the term and definition of “Community Residence, Family Based” in its entirety:

Section 4. Section 302, Uses Permitted by Special Exception, Under Article 3, R-1 Residence District, is hereby amended by the addition of Section 302-10, Group Homes:

10. Group Homes

Section 5. Section 502, Uses Permitted by Special Exception, Under Article 5, R-3 Residential District, is hereby amended by the addition of Section 502-4, Group Homes:

5. Group Homes

Section 6. Section 602, Uses Permitted by Special Exception, Under Article 6, Commercial District, is hereby amended by the addition of Section 602-9, Group Homes:

9. Group Homes

Section 7. Section 701, Uses Permitted by Right, under Article 7, Light Industrial District, is hereby amended by the addition of Section 701-13, Group Homes:

13. Group Homes

Section 8. Section 802-1.f, Required Parking Ratios, under Article 8, Parking Regulations, is hereby amended by substituting the term “group home” for “community residence facility”.

Section 9. Section 1009, Community Residence Facilities (CRF), Family Based, under Article 10, Supplemental Regulations, is deleted in its entirety.

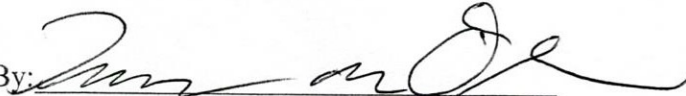
Section 10. The Zoning Code shall be amended to add Chapter 16 and Section 1600, Severability, which shall read as follows:

If any provision of this Ordinance/Code or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

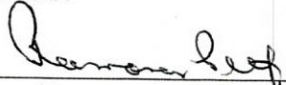
Section 11. Effective Date. The provisions of this Ordinance shall become effective immediately. With respect to Alcohol and Drug Recovery homes, relevant provisions above shall become effective upon adoption of Licensure Regulations by the Pennsylvania Department of Health in accordance with the Act of Dec. 19, 2017. P.L. 1187 No. 59.

ADOPTED AND APPROVED THIS 27 DAY OF
JUNE, 2018.

BOROUGH COUNCIL OF
THE BOROUGH OF SHARON HILL

By: 
Terrence Oliver, Council President

ATTEST:

By: 
Ramona Petty, Secretary