

ORDINANCE

AN ORDINANCE AMENDING ZONING ORDINANCE RELATIVE TO THE FAIR HOUSING ACT AMENDMENTS BY: 1) REDEFINED GROUP HOME AND PROVIDING DEFINITIONS FOR REASONABLE ACCOMODATION AND REASONABLE MODIFICATION; 2) CONFIRMING THAT A GROUP HOME IS PERMISSIBLE IN EVERY RESIDENTIAL ZONING DISTRICT IN THE CITY; 3) PROVIDING FOR NOTICE TO THE PUBLIC THAT COMPLIES WITH REASONABLE ACCOMMODATION REQUIREMENTS; AND 4) REMOVING INCONSISTENT PROVISIONS FROM THE EXISTING ORDINANCE

WHEREAS, the City of Coatesville is a Third Class City situated in Chester County, Pennsylvania operating under its Home Rule Charter and the Third Class City Code (hereinafter “the City”); and

WHEREAS, the City of Coatesville has a Zoning Ordinance enacted under the authority of Act 247; and

WHEREAS, under the Fair Housing Amendments of 1988 (“Fair Housing Law”) there are certain prohibitions to prevent local government from impeding opportunities for people with disabilities (by improperly developing discriminatory land use and zoning decisions and ordinances); and,

WHEREAS, it is the intention of the City to fully comply with the Fair Housing Amendments of 1988 and to amend its Zoning Ordinance to be in full compliance therewith.

NOW, THEREFORE, in consideration of the foregoing, the following Amendments are made to Chapter 224 of the City Code indentified as the Zoning Ordinance of the City of Coatesville:

1) Section 224- 8 Definitions: The definition of Group home shall be amended by deletion of the current definition and replacement with the following language:

“GROUP HOME – A licensed community-based living arrangement, functioning as a single household and providing habilitative services, in accordance with Chapter 5310. Community Residential Rehabilitative Services for the Mentally Ill, as defined in the Pennsylvania Code or any other state or federal program pertaining to the housing for developmentally disabled individuals as regulated by the Federal Fair Housing Amendments Act. “Group Homes” shall also include alcoholism or drug treatment centers provided that those involved in such programs as a condition of participation are not using alcohol or drugs. “Group Homes” shall not include work-release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration. Also included in the definition of “Group Homes” shall be any use

determined to comply with the nondiscriminatory requirements of the latest interpretation of the Fair Housing Act, 42 USC §3601 et seq. by the United States Supreme Court or other controlling jurisdiction.

2) Section 224-8 Definitions: The following two (2) definitions should also be added after RAZING and before RECREATION, ACTIVE:

“REASONABLE ACCOMMODATION – Shall be such accommodations that are necessary to afford persons or groups of persons with disabilities – as defined by the Fair Housing Act - an equal opportunity to use and enjoy housing. Accommodations which impose an undue financial or administrative burden on a local government and create a fundamental alteration in a local government’s zoning scheme shall not constitute “reasonable accommodation”.

REASONABLE MODIFICATION – Shall be such modification of rules or policies as are necessary to afford persons or groups of persons with disabilities – as defined by the Fair Housing Act - an equal opportunity to use and enjoy housing. Modifications which impose an undue financial or administrative burden on a local government and create a fundamental alteration in a local government’s zoning scheme by not “reasonable modification”.

3) Section 224-12. Residential neighborhood (RN) districts: Section 224-12 C.(1)(a) shall be amended and the current language replaced with the following language:

“(a) Group homes shall be permitted in detached and semidetached buildings in all RN zoning districts i.e. RN-1 – RN-5 and including RC.”

4) Section 224-12.(D).(2)(b) shall be amended by replacing the current language with following:

“Additionally, permitted commercial uses in the RN-4 or RN-5 District shall be located no closer than 500 feet to another commercial use in the RN-4 or RN-5 District. This separation-distance requirement shall not apply to commercial uses in the RN-4 or RN-5 District if such use is located on a state route or highway and shall not apply to Group Homes or any housing condition protected by the Fair Housing Act and its Amendments.”

5) Section 224-60B. (4.1) shall be amended by striking the inconsistent and unnecessary definition following the heading “Group homes” to read as follows:

“(4.1) Group homes

[1] Group home shall be permitted in any residential dwelling”.

The following language was stricken:

~~“ Group homes include living arrangements that meet the definition of group homes. This will~~

~~include a licensed based living arrangement functioning as a single household and providing habilitative services, in accordance with Chapter 5310, Community Residential Rehabilitative Services for the Mentally Ill, as defined in the Pennsylvania Code or any other state of federal program pertaining to the housing for developmentally disabled individuals as regulated by the Federal Fair Housing Amendments Act. Group homes shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration. Such a facility shall comply with the following:"~~

6) Section 224-60B. (4.1) shall be further amended by removing sub-paragraph [4]. The following language is stricken:

~~[4] No more than one group home shall be permitted per block, and no group home shall be located within 500 feet of another group home or similar use.~~

7) Section 224-99.C.(2)(k) is amended in subsection (k) to refer to both Group quarters and "Group homes" to read in its entirety as follows:

(k) "Group quarters and Group homes."

8) Section 224-79.(C) Variances and special exceptions subsection (4) "Notice of public hearing" shall be amended by adding subsection (a) [3] stating as follows:

[3] All notices including "Public Notice" as defined in Chapter 224 shall, in such notice, contain language specifying that any person with a disability or requiring accommodation should contact the City to make arrangements for such accommodation.

SECTION 2 - Conflicts with Statutory Provisions. In all matters that are regulated by the law of the Commonwealth of Pennsylvania by regulations or regulated by departments or an agency of the Commonwealth promulgated by authority of law, such law or regulations, or other Ordinance of the City of Coatesville, as the case may be, shall control where the requirements thereof are the same or in excess of the provisions of this Ordinance. The Code controls in all cases where the state requirements or the requirements of other Ordinances of the City are not as strict as those contained in this Ordinance.

SECTION 3 – Severability. If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

Bill No. 1-2015

Ordinance No. 1444-2015

This Ordinance shall be effective as required by the City Code thirty (30) days after adoption.

ENACTED AND ORDAINED this 23rd day of February 2015.



Linda Lavender-Norris, President City Council

ATTEST:



Michael O'Rourke, Acting City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 12th day of January , 2015, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 23rd day of February, 2015, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.



Michael O'Rourke, Acting City Manager