

**BOROUGH OF CHAMBERSBURG
ORDINANCE NUMBER 2018-_____**

**AN ORDINANCE TO CONFORM VARIOUS CODES OF THE BOROUGH WITH RECENT
REFINEMENTS AND AMENDMENTS TO FEDERAL AND PENNSYLVANIA
STATUTORY AND REGULATORY PROVISIONS AFFECTING PARTICULAR
PROVISIONS OF BOROUGH CODES**

SECTION 1. Legislative Findings. From time-to-time it is necessary to revise Borough Code provisions to keep Borough Codes current with refinements and amendments to state and federal statutory and regulatory provisions on which Borough Codes are based. In that context the following Chapters of the Code of the Borough of Chambersburg are revised as indicated:

SECTION 2. CHAPTER 300, Section 300-6 is revised to add new subsection L to provide as follows:

L. Affirmatively further fair housing by:

- (1) Abiding by the provision of the Fair Housing Act of 1968, as amended.
- (2) Promoting fair housing choice for all residents of Chambersburg.
- (3) Assuring the rights of all individuals that are identified as members of a protected class by Federal government.
- (4) Prevention of discrimination in housing based on a person's race, color, national origin, religion, sex, familial status, or handicap.

SECTION 3. CHAPTER 300, Section 306-7 is revised by adding thereto the following definitions in appropriate alphabetical order.

ACCESSIBILITY – There are no” barriers” which prevent a physically disabled person in a wheelchair from having full access to a living unit, both inside and outside as required by the Americans with Disabilities Act (ADA).

AFFIRMATIVELY FURTHERING FAIR HOUSING – Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair housing Act. This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892). HUD’S AFFH rule provides an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. As provided in the rule, AFFH means “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and

fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing to all of a program participant's activities and programs relating to housing and urban development.

AMERICANS WITH DISABILITIES ACT – The Americans with Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, and 225) (ADA) prohibits discrimination against persons with disabilities in all programs and activities sponsored by state and local governments.

DISABLED – Disability pertains to any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.

FAIR HOUSING ACT – The Fair Housing Act, 42, U.S.C. 3601 et seq., prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions, and homeowners insurance companies whose discriminatory practices making housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.

FAMILY –

- A. An individual, or two (2) or more persons related by blood or marriage or adoption, living together in a dwelling unit; or
- B. A group of not more than three (3) persons who need not be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit and shared common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in either case exclusive of usual servants or care personnel or,
- C. A group of not more than five (5) unrelated disabled persons living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption.

GROUP HOME – A residential facility occupied by groups of people not defined as a family and living together on a short term or long term basis. Not more than ten (10) unrelated individuals may occupy the residence, not including a staff person or persons who provide care and services to the residents. The group home must be a licensed facility by the state to provide personal care to the residents who may be developmentally or physically disabled

VISITABILITY – “Visitability” housing has at least one accessible means of ingress/egress, and all interior and bathroom doorways have as a minimum a 32-inch clear opening.

SECTION 4. CHAPTER 300, Section 300-23 entitled Moderate-Density Residential is revised by adding to the list of permitted uses a new subsection D entitled “Group Home“ and re-lettering the remaining subsections appropriately.

SECTION 5. CHAPTER 300, Section 300-26 entitled, Area, width and coverage regulations is revised by adding criteria for Group Home as follows:

DRAFT: OCTOBER 4, 2018

Under the column, Type of Dwelling, Group Home,
Under the column, Minimum Lot Area Per Dwelling Unit/Family (square feet), 5,000
Under the column, Minimum Lot Width (feet), 60
Under the column, Maximum Coverage (percentage), 35%

SECTION 6. CHAPTER 300, Section 77 entitled, Facilities required, add to the Off-Street Parking Space Requirements for Hospitals and nursing and convalescing homes the reference “Group Home”.

SECTION 7. CHAPTER 300, Section 163 entitled, Buffering standards for new construction, the first sentence of paragraph B is revised to read:

Any new single-family attached dwelling (row house or townhouse), multifamily-dwelling, garden apartment and/or group home construction in a residential zoning district must meet the buffering standards of this section if the land is located adjacent to an existing single-family detached, semidetached or two-family dwelling in a residential zone.

SECTION 8. CHAPTER 300, Section 300-113 entitled Variances, is revised by adding thereto a new paragraph (6) to subsection A to provide as follows:

- (6) The Board shall have the limited authority to grant a use variance if the evidence provided to the Board, in judgement of the Board establishes one or more of the following circumstances:
- (a) the physical features of the property are such that it cannot be used for a purpose permitted in the applicable zoning district; or
 - (b) the property can be conformed for a use permitted within the applicable zoning district only at a prohibitive expense; or
 - (c) the property has no value for any purpose permitted within the applicable zoning district.

A use variance granted under these circumstances must be for a use which, in the judgement of the Board, would constitute the least conflict with adjacent uses. In this context, a use permitted as a Special Exception use shall be considered a permitted use, but shall only be allowed by full compliance with the applicable Special Exception use process and criteria.

SECTION 9. The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other sections, clauses or sentences of the same.

SECTION 10. Effective date. The provisions of this Ordinance shall become effective January 1, 2019.

DRAFT: OCTOBER 4, 2018

Enacted by the Mayor and Town Council of the Borough of Chambersburg this _____ day of _____, 2018.

ATTEST:

President of Town Council

Secretary of Town Council

APPROVED this _____ day of _____, 2018.

Mayor

CERTIFICATION

I, Jamia Wright, Borough Secretary, hereby certify that the foregoing Ordinance was advertised in The Public Opinion on _____, 2018, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a regular meeting of Town Council held on _____, 2018.

Jamia Wright, Borough Secretary