

**YCPC PROJECT # 21-014
SHREWSBURY TOWNSHIP
ZONING ORDINANCE AMENDMENT
TEXT: Group Home**

PROJECT DESCRIPTION

The purpose of this project is to review and comment on a proposal by Shrewsbury Township officials on behalf of a potential developer to amend a section of the Shrewsbury Township Zoning Ordinance. This amendment is being submitted for recommendations in accordance with Section 609(e) of the Municipalities Planning Code (PA MPC).

PROJECT DISCUSSION

Shrewsbury Township officials propose to amend and update the Shrewsbury Township Zoning Ordinance. The changes to the ordinance are as follows:

1. **Part 14, "SUPPLEMENTARY REGULATIONS", Subsection 27-1404, "Specific Use Standards",** is being amended to remove and replace the existing text regarding "GROUP HOME", as follows:

"GROUP HOME

1. ***Group Home with eight (8) or fewer persons (not including supervisory personnel). A Group Home housing eight (8) or fewer persons (not including supervisory personnel) is permitted as a dwelling unit in zones where single-family detached dwellings are permitted upon receipt of a Use Certificate to be issued by the Zoning Officer and compliant with the following regulations:***
 - A. ***The Group Home must meet all of the requirements for a dwelling unit in the zone where it is proposed to be located.***
 - B. ***A minimum of two hundred fifty (250) square feet of habitable floor space, excluding kitchen area, shall be provided for each occupant, including supervisory personnel. Habitable floor space shall be as defined under the Pennsylvania Uniform Construction Code (UCC).***
 - C. ***A common kitchen and dining facility shall be provided and no cooking or dining facility shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.***
 - D. ***Off-street parking shall be provided based upon one (1) parking space for each employee or supervisory person and one (1) parking space for each two (2) nonsupervisory occupants sixteen (16) years of age or older or as set by the Zoning Hearing Board in accordance with Section 4 below.***
 - E. ***The Group Home must be licensed by the Pennsylvania Department of Public Welfare, and a copy of any such license must be delivered to the Township prior to receipt of any Use Certificate.***
 - F. ***The Group Home may not provide medical counseling or other services to persons who do not reside in the facility.***
 - G. ***If the Group Home will house more than five (5) occupants other than supervisory personnel, there must be at least one (1) supervisory person residing at the facility.***
 - H. ***No Group Home shall be located within one thousand five hundred (1,500) feet of another Group Home.***

- I. The Group Home dwelling to be utilized must be a single-family detached dwelling.*
- 2. A Group Home with eight (8) or fewer persons and their minor children. A Group Home housing eight (8) or fewer persons with up to three (3) of their minor children under the age of thirteen (13), to bring the total occupants in excess of eight (8) persons but not greater than twenty (20) persons is permitted as a dwelling unit in any zone where single-family detached dwellings are permitted upon receipt of a Use Certificate to be issued by the Zoning Officer, compliant with the regulations set forth above in Section 1, and compliant with the following regulations; (Any minor child aged thirteen (13) years or older will be counted as an adult occupant and resident supervisory personnel and their resident families, as required in Section 1.G above, are also counted as occupants.):**
 - A. A lot area not less than two thousand (2,000) square feet per occupant up to eight (8) occupants and an additional four thousand (4,000) square feet per each occupant in excess of eight (8) occupants, including minor children and resident supervisory personnel and their families, shall be provided, but in no case shall the lot area be reduced below the requirement for the District in which such Group Home is to be located.*
 - B. The dwelling shall not be located closer than one hundred (100) feet to any lot line.*
 - C. There shall be at least one (1) bedroom and bathroom facility provided for every adult occupant and his or her three (3) minor children, and every resident supervisory personnel and their families. No more than one (1) adult shall be allowed to occupy each bedroom/bathroom facility. Minor children shall only be allowed to occupy a bedroom/bathroom facility with a parent or legal guardian.*
 - D. The Township Sewage Enforcement Officer shall submit a report confirming the adequacy of all proposed sewage facilities unless the facility is connected to a public sewer system, which would then require a written confirmation from the public sewer provider that any increase sewer would not exceed the allocated sewer EDUs or that any necessary sewer EDUs can be purchased.*
 - E. A water supply analysis report shall be prepared and submitted to the Township in accordance with the provisions contained in the Township's Subdivision and Land Development Ordinance for residential developments, as the same may be amended from time to time, if the facility is connected to the public water system which would then require written confirmation from the public water provider that service can be provided sufficiently for the proposed use.*
 - F. Approval shall be conditioned upon inspection report by the Building Code Official stating compliance with the Pennsylvania Uniform Construction Code (UCC).*
 - G. The Group Home is established as received or can receive approval for occupancy from the Pennsylvania Department of Labor and Industry where required.*
 - H. Any residential supervisory personnel and their family and any related minor children are counted for purposes of minimum lot size, habitable square footage, total occupants allowed, and required number of bedrooms and bathrooms.*
 - I. Group Homes are subject to an annual inspection by the Township to ensure ongoing compliance with these regulations.*
- 3. Group Homes with more than eight (8) persons. Group Homes with more than eight (8) persons are permitted by Special Exception in the Suburban Residential District, the Rural Residential District, and the Commercial District. As a Special Exception use, the proposal must be reviewed by the Shrewsbury Township Planning Commission for recommendations to the Zoning Hearing Board and shall meet the following requirements in addition to the general requirements of Section 1:**

- A. *Lot area of not less than one thousand (1,000) square feet per occupant shall be provided, but in no case shall the lot area be reduced below that required in the district in which such Group Home is to be located.*
 - B. *The Township's Sewage Enforcement Officer shall submit a report confirming the adequacy of all proposed sewage facilities unless the facility is connected to a public sewer system. Approval shall be conditioned upon inspection and report by the Building Code Official stating compliance with the Pennsylvania Uniform Construction Code.*
 - C. *The Group Home must establish that it has received or can receive approval for occupancy from the Pennsylvania Department of Labor and Industry where required.*
 - D. *There should be at least one (1) supervisory person on the premises at all times. The Zoning Hearing Board may designate a number of additional supervisory personnel to be on the premises at any one time depending on the number of residents and the nature of the handicap involved.*
 - E. *In addition to parking requirements as set forth in Section 1.D., a parking area for visitors, which shall contain at least one and a half (1 ½) parking spaces per nonemployee resident shall be provided.*
 - F. *Group Homes are subject to an annual inspection by the Township to ensure ongoing compliance with these regulations.*
4. **Off-street parking.** *The Zoning Hearing Board, by Special Exception, can reduce the required amount of off-street parking for a Group Home if the residents of the Group Home have handicaps which will preclude their operation of motor vehicles. In such case, there must be at least as many parking spaces that are a total number of employees on the two (2) largest shifts combined and an off-street area where residents can be dropped off and picked up, plus a reasonable parking area for visitors.*
5. *If the Group Home is located in the Agricultural District, the Group Home shall reduce the number of dwelling rights permitted on the tract of land by Article 4 of this Ordinance by one (1)."*

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RECOMMENDATION

Municipality Adopt

Municipality Not Adopt

COMMENTS

In a joint statement of the Department of Housing and Urban Development and the Department of Justice dated November 10, 2016 titled “State and Local Land Use Laws and Practices and the Application of the Fair Housing Act”, Section 8., “What is a group home within the meaning of the Fair Housing Act?” states that:

“The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.”

With this statement in mind, the YCPC does not recommend adopting ordinance provisions for group homes that exceed/are more restrictive than the requirements for other types of dwellings in the same district.

A. PLANNING –

1. **Section 2.A.** contains language that requires a lot area not less than 2,000 square feet per occupant up to 8 occupants and an additional 4,000 square feet per each occupant in excess of 8 occupants, including minor children and resident supervisory personnel and their families. It is possible that the required lot area would exceed the maximum permitted lot area of 50,000 square feet in the Agricultural District. In the event that the required lot area would exceed the maximum permitted lot area in the Agricultural District, would an additional development right be required to increase the permitted lot area (see section 27-404.1.A.(2)(a))? Alternatively, does Section 5. of the proposed amendment imply that only 1 development right will be required for the group home, even if the required lot area would exceed the maximum permitted lot area?

B. EDITS –

1. There are currently multiple variations of the term “Group Home” used throughout Parts 4 – 10 of the Zoning Ordinance. “Group home”, “Group home, with less than eight residents”, and “Group home, with more than eight residents” can all be found in the lists of permitted uses. Township officials should review the ordinance to ensure that the same terminology is used throughout the ordinance.
2. **Section 3.** states that Group Homes with more than eight (8) persons are permitted by Special Exception in the Suburban Residential District, the Rural Residential District, and the Commercial District. However, “Group Home” is currently listed as a permitted principal use in the Rural Residential Receiving District and the Suburban Residential Receiving District. Township officials should review the ordinance to ensure that the proper types of uses are referenced in the correct sections, and that the proposed amendment is consistent with the existing terminology used in the ordinance. It should be

noted, however, that group homes should be permitted the same as other dwelling types, regardless of the number of occupants.

- * *Please be advised that Section 609(g) of the PA MPC requires that a copy of any adopted amendment be forwarded to the York County Planning Commission within 30 days following its enactment.*
- ** *The preceding comments have been prepared by the staff of the York County Planning Commission and constitute a professional planning review, not a legal opinion.*