

**LOWER SAUCON TOWNSHIP**  
**NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE No. 2016-05**

**AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON, BY AMENDING CHAPTER 180 (ZONING), TO REVISE SECTION 180-5 (DEFINITIONS, WORD USAGE) TO REPLACE THE DEFINITION OF FAMILY AS THAT TERM IS USED FOR ZONING AND FAIR HOUSING ACT PURPOSES; TO ADD A SECTION PROVIDING FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES; TO REVISE MULTIPLE SECTIONS OF THE CHAPTER 180 USE REGULATIONS PERTAINING TO RESIDENTIAL GROUP HOMES; AND BY COMPLETELY REVISING CHAPTER 180, SECTION 180-118 PERTAINING TO THE REQUIREMENTS FOR RESIDENTIAL GROUP HOMES; AND BY REVISING, AMENDING AND REPEALING CERTAIN ASSOCIATED SECTIONS OF THE CODE.**

**WHEREAS**, Lower Saucon Township is a Township of the Second Class, Optional Plan, located in Northampton County, Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Lower Saucon adopted Ordinance #98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the “Code”); and

**WHEREAS**, the Council of Lower Saucon Township desires to amend the Code of the Township of Lower Saucon to revise the Township Zoning Ordinance (Chapter 180) provisions relating to residential group homes, the definition of “family”, and reasonable accommodations as required by the provisions certain Federal Statutes, as further described herein; and

**WHEREAS**, the Council of Lower Saucon Township has determined that the adoption of this Ordinance containing the described amendments to the text of the Zoning Chapter of the Code is in the best interest of the public health, safety, and welfare of the residents of Lower Saucon Township.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended as follows.

**SECTION I.      Purpose.**

The purpose of this Ordinance is to modernize the Township’s Zoning Ordinance provisions regarding reasonable accommodations and fair housing opportunities within Lower Saucon Township.

**SECTION II. Amendments to Chapter 180 (Zoning), Section 5 (Definitions).**

Section 180-5 (Definitions; word usage) is hereby amended to delete the definition of “FAMILY” in its entirety and replace it as follows:

“FAMILY – Any number of individuals living together as the functional equivalent of a family, on a non-transient basis, where the residents may share living expenses and chores, eat meals together, and are a close-knit group with social, economic, and psychological commitments to each other. A family includes, for example, the residents of a group home for people with disabilities. A family does not include larger institutional group living arrangements such as dormitories, fraternities, or monasteries.”

**SECTION III. Amendment to Chapter 180 (Zoning), Section 180-12.2 (Requests for Reasonable Accommodation)**

Chapter 180 (Zoning), is hereby amended by adding Section 180-12.2 (Requests for Reasonable Accommodation) as follows:

**§180-12.2. Requests for Reasonable Accommodation**

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit their request in writing to the Zoning Officer on an application form which shall require that the following information that may be reasonably needed to process the request be provided:
- (1) Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.
  - (2) The name and address of the applicants.
  - (3) The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or locational accommodation.
  - (4) The condition of the applicants for which reasonable accommodation is sought.
  - (5) A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
  - (6) A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives.
  - (7) A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or nondisabled person to use and enjoy the dwelling in question.
  - (8) A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.

- (9) A statement of any facts indicating whether or not non-handicapped or nondisabled persons would be permitted to utilize the property in question in a manner similar sought by applicants.
- B. The Zoning Officer may hold any meetings and/or hearings necessary in their discretion to elicit information or argument pertinent to the request for accommodation.
  - C. The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.
  - D. The Zoning Officer shall issue a written decision to the applicants and the Township within 30 days of the filing of the request for accommodation.
  - E. A request for reasonable accommodation should be directed in the first instance to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice of the counsel of the Township Solicitor, apply the following criteria:
    - (1) Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
    - (2) The degree to which the accommodation sought is related to the handicap or disability of the applicants.
    - (3) A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
    - (4) The extent to which the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or nondisabled person to use and enjoy the dwelling in question.
    - (5) The extent to which the proposed accommodation may impact other property owners in the immediate vicinity.
    - (6) The extent to which the requested accommodation may be consistent with or contrary to the zoning purposes promoted by the Zoning Ordinance, the Comprehensive Plan, and the community development objectives set forth in the Zoning Ordinance.
    - (7) The extent to which the requested accommodation would impose financial and administrative burdens upon the Township.
    - (8) The extent to which the requested accommodation would impose an undue hardship upon the Township.
    - (9) The extent to which the requested accommodation would require a fundamental alteration in the nature of the Township's regulatory policies, objectives and regulations.
    - (10) The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or disabled persons.

- (11) The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling in question.
  - (12) The extent to which the requested accommodation will increase the value of the property during and after its occupancy by applicants.
- F. Accommodations Under the Fair Housing Amendments Act and/or the Americans with Disabilities Act or Similar Statutes. The Zoning Hearing Board shall hear and determine appeals from decisions of the Zoning Officer with respect to requests for reasonable accommodation. In hearing and deciding such an appeal, the Zoning Hearing Board shall apply the criteria set forth in §180-12.2.E of this Chapter, to the fullest extent as is consistent with the Americans with Disabilities Act, the Fair Housing Amendments Act or other applicable similar law. In granting a request for reasonable accommodation, the Board may attach such reasonable safeguards and/or limitations as it may deem necessary to implement this Chapter and protect the public health, safety and welfare, consistent with the Americans with Disabilities Act, Fair Housing Amendments Act or other similar applicable statute.

**SECTION IV. Amendment to Chapter 180 (Zoning), Section 180-19.B(2) (Permitted Uses)**

Section 180-19.B(2) is hereby amended by adding subsection (c) as follows:

“(c) Residential Group Homes (see Section 180-118).”

**SECTION V. Amendment to Chapter 180 (Zoning), Section 180-25.B(2) (Permitted Uses)**

Section 180-25.B(2) is hereby amended by adding subsection (c) as follows:

“(c) Residential Group Homes (see Section 180-118).”

**SECTION VI. Amendment to Chapter 180 (Zoning), Section 180-31.B(2) (Permitted Uses)**

Section 180-31.B(2) is hereby amended by adding subsection (c) as follows:

“(c) Residential Group Homes (see Section 180-118).”

**SECTION VII. Amendment to Chapter 180 (Zoning), Section 180-37.B(2) (Permitted Uses)**

Section 180-37.B(2) is hereby amended by adding subsection (c) as follows:

“(c) Residential Group Homes (see Section 180-118).”

**SECTION VIII. Amendment to Chapter 180 (Zoning), Section 180-43.B(2) (Permitted Uses)**

Section 180-43.B(2) is hereby amended by adding subsection (b) as follows:

“(b) Residential Group Homes (see Section 180-118).”

**SECTION IX. Amendment to Chapter 180 (Zoning), Section 180-49.B(1) (Permitted Uses)**

Section 180-49.B(1) is hereby amended by adding subsection (b) as follows:

“(b) Residential Group Homes (see Section 180-118).”

**SECTION X. Amendment to Chapter 180 (Zoning), Section 180-55.B(1) (Permitted Uses)**

Section 180-55.B(1) is hereby amended by adding subsection (b) as follows:

“(b) Residential Group Homes (see Section 180-118).”

**SECTION XI. Amendment to Chapter 180 (Zoning), Section 180-56.B(2) (Conditional Uses)**

Section 180-56.B(2) is hereby deleted in its entirety.

**SECTION XII. Amendment to Chapter 180 (Zoning), Section 180-61.B(1) (Permitted Uses)**

Section 180-61.B(1) is hereby amended by adding subsection (b) as follows:

“(b) Residential Group Homes (see Section 180-118).”

**SECTION XIII. Amendment to Chapter 180 (Zoning), Section 180-118 (Residential Group Homes)**

Section 180-118 (Residential Group Homes), subsections A through I are hereby deleted in their entirety and replaced as follows:

- A. There shall be at least one room to serve as a gathering space which shall not have less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at a rate of 50 square feet for each occupant in excess of two.
- B. There shall be twenty-four hour supervision by people qualified by training and experience in the field for which the group home is intended.
- C. Each group home shall be approved for all applicable federal, state, county, and municipal licenses and permits.
- D. Each group home shall be operated so that all medical, counseling, or other services are provided for the sole benefit of those persons inhabiting the facility.
- E. Any exterior changes shall be generally compatible with the surrounding properties in the neighborhood, except for those local, state, or federal health or safety requirements which cannot be modified to be compatible.
- F. Off street parking shall be in accordance with §180-98.
- G. Each group home shall provide adequate water and sanitary sewer

09/30/16 Draft

10/05/16 Rev.

11/16/16 Final

**SECTION XIV. SEVERABILITY**

The provisions of this Ordinance are severable. If any sentence, clause or Section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional illegal or invalid provision not been included herein.

**SECTION XV. REPEALER**

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**SECTION XVI. EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after adoption thereof.

**ENACTED** and **ORDAINED** this 16<sup>th</sup> day of November, 2016.

**ATTEST:**

**LOWER SAUCON TOWNSHIP**

\_\_\_\_\_  
Secretary

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Council President