

ORDINANCE NO. 2441

AN ORDINANCE AMENDING THE TEXT OF THE CARLISLE ZONING ORDINANCES, CHAPTER 255 OF THE CODE OF THE BOROUGH OF CARLISLE, TO PROVIDE FOR AND DEFINE CERTAIN RESIDENTIAL USES CONSISTENT WITH THE FEDERAL FAIR HOUSING ACT AND AMERICANS WITH DISABILITIES ACT, AS AMENDED AND AMENDING DEFINITIONS IN CHAPTER 226 OF THE CODE OF THE BOROUGH OF CARLISLE .

The Borough Council of the Borough of Carlisle, Cumberland County, Pennsylvania, hereby enacts, adopts, and ordains this Ordinance, amending the Carlisle Zoning Ordinances, codified as Chapter 255 of the Code of the Borough of Carlisle, as follows:

**Article II.
DEFINITIONS**

SECTION 1: Chapter 255, Article II, Section 12, Definitions, of the Carlisle Zoning Ordinance, is hereby amended as follows:

- A. The definition of “Dwelling” is hereby deleted.
- B. The following words or terms are hereby amended in their entirety to be defined as follows:

DWELLING UNIT: A single unit providing complete, independent living facilities for one family or a single person, including permanent provisions for living, sleeping, eating, cooking and sanitation. The term “dwelling unit” shall not include boardinghouse, hotel, motel, hospital, nursing home, fraternity, or sorority house unless required to be accommodated by residential uses pursuant to the Fair Housing Act and/or Americans with Disabilities Act. A dwelling unit may include a dwelling that meets the definition of a “modular home”. Any reference to “dwelling” in Chapter 255 shall be a reference to a “dwelling unit”.

FAMILY: One or more individuals related by blood, marriage, civil union, adoption, or guardianship and/or up to six unrelated individuals living together in a dwelling as a single nonprofit housekeeping unit, subject in all respects to the Borough of Carlisle Property Maintenance Code, as amended. Family homes or dwellings shall include treatment centers and group homes required to be accommodated as residential uses pursuant to the Fair Housing Act and/or Americans with Disabilities Act. The term “Family” shall exclude individuals residing in treatment centers, and group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

GROUP HOME: A dwelling with shared cooking and eating facilities occupied by individuals with disabilities, as defined and protected by the federal Fair Housing Act and Americans with Disabilities Act, as amended, who live together as a single housekeeping unit primarily for purposes relating to their disabilities as the functional equivalent of a family and licensed by the appropriate county, commonwealth or federal agency. No more than ten individuals, including caregivers, shall occupy a group home. In accordance with the federal Fair Housing Act and Americans with Disabilities Act, a group home does not extend to the following people:

- A. Persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent;
 - B. Persons who claim to be disabled solely on the basis of having a criminal record;
 - C. Persons who claim to be disabled solely on the basis of being registered as a “sex offender;”
 - D. Persons who currently use illegal drugs;
 - E. Persons who have been convicted of the manufacture or sale of illegal drugs;
- or
- F. Persons with or without disabilities who present a direct threat to the persons or property of others.

HOUSEKEEPING UNIT: A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating and sharing a common bathroom or bathrooms.

TREATMENT CENTER: Group living quarters or facility for persons who need specialized housing, treatment and/or counseling that provides supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation, or provides treatment/housing for persons convicted of driving under the influence of alcohol and/or controlled substances.”

Article III.

R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 2: Chapter 255, Article III, Section 15, Uses permitted by right., subsection D., of the Carlisle Zoning Ordinances, shall be amended and restated as follows:

“D. Group home, within a dwelling type permitted by this district, subject to compliance with Section 255-199A(18).”

Article XI.
C-3 GENERAL COMMERCIAL DISTRICT

SECTION 3: Chapter 255, Article XI, Section 77, Special exception uses., subsection L. of the Carlisle Zoning Ordinances, shall be deleted in its entirety, and subsections A.-P. shall be renumbered accordingly.

Article XII.
C-4 NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 4: Chapter 255, Article XII, Section 83, Uses permitted by right., of the Carlisle Zoning Ordinances, shall be amended by adding a new subsection V., as follows:

“V. Treatment center, subject to Section 255-199A(52).”

SECTION 5: Chapter 255, Article XII, Section 84, Special exception uses., subsection A. of the Carlisle Zoning Ordinances, shall be deleted in its entirety, and subsections B.-C. shall be renumbered to A. and B., respectively.

Article XIV.
I-1 GENERAL INDUSTRIAL DISTRICT

SECTION 6: Chapter 255, Article XIV, Section 98, Special exception uses., Subsection A., of the Carlisle Zoning Ordinances, shall be deleted in its entirety, and subsection B. – I. shall be renumbered to A.-H., respectively.

Article XVII.
UM URBAN MIXED USE DISTRICT

SECTION 7: Chapter 255, Article XVII, Section 120, Uses permitted by right., Subsection A., of the Carlisle Zoning Ordinances, shall be amended by adding new items (46) and (47), as follows:

“(46) Group home, within a dwelling type permitted by this district, subject to compliance with Section 255-199A(18).

(47) Treatment center, subject to Section 255-199A(52).”

Article XXIV.
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

SECTION 8: Chapter 255, Article XXIV, Section 197, Subsection G., Persons with disabilities., of the Carlisle Zoning Ordinances, shall be deleted in its entirety.

SECTION 9: Chapter 255, Article XXIV, of the Carlisle Zoning Ordinances, shall be amended by adding a new Section 201, entitled “Persons with disabilities.” as follows:

“§ 255-201. Persons with disabilities. The Borough of Carlisle complies with the Federal Fair Housing Act and Americans with Disabilities Act, as amended, and will ensure that policies and regulations do not discriminate against persons on the basis of race, color, religion, national origin, disability, or family status. The Borough shall grant requests for reasonable accommodation if such requests provide equal housing opportunity to persons with disabilities and do not constitute substantial changes of the Carlisle Zoning Ordinances. Written requests for reasonable accommodation shall be submitted to the Zoning Officer. Requests for reasonable accommodation will be treated as administrative decisions. The Zoning Officer will provide a written response to a complete request within 45 days unless additional information is requested by the Zoning Officer. At a minimum, requests for reasonable accommodation shall include the following:

A. Plans of the structure and property with sufficient detail to evaluate the reasonable accommodation request; and

B. The applicant shall identify the disability which is protected by the Americans with Disabilities Act and/or the Fair Housing Act, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.

Any modification or accommodation approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the property.

SECTION 10: Chapter 255, Article XXIV, Section 199, Additional standards for specific permitted uses, conditional uses and special exception uses., Subsection A., Item (18) of the Carlisle Zoning Ordinances, shall be amended and restated as follows:

“(18) Group home.

- (a) The group home shall not be occupied by more than 10 persons, including caregivers, and the residents shall function as a common household, except that a higher number may be approved by the Zoning Hearing Board as a special exception, subject to Section 255-197.
- (b) Each bedroom shall not be occupied by more than two (2) persons or such larger amount as may be permitted under the Uniform Construction Code of the Borough of Carlisle and the Property Maintenance Code of the Borough of Carlisle, as amended.

- (c) There shall at all times be adequate supervision by people qualified by training in the field for which the group home is intended.
- (d) Such facilities shall be licensed under or operated by the applicable federal, state, or county program or agency, and such information shall be available to the public.
- (e) The group care home shall register its location, general type of treatment/care, maximum number of residents, and sponsoring agency or program with the Borough.
- (f) Any medical or counseling services provided shall occur on the lot only for residents and up to two nonresidents per day.
- (g) One off-street parking space shall be provided for each of the following: the supervisor, each additional employee per shift; and every two residents who can reasonably be expected to be able to drive a motor vehicle.
- (h) The use shall not meet the definition of a “treatment center” in Section 255-12.
- (i) The group home shall notify the Borough if there is any loss or suspension or significant change in certification by the state.
- (j) Off-street parking areas of more than four (4) spaces shall be buffered from adjacent existing single-family dwellings by an appropriate evergreen planting screen.
- (k) If the group-care home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition, and character to the other residential structures in the area. No exterior signs or other features visible from the exterior shall identify the type of use.”

SECTION 11: Chapter 255, Article XXIV, Section 199, Additional standards for specific permitted uses, conditional uses and special exception uses., Subsection A., Item (52) of the Carlisle Zoning Ordinances, shall be amended and restated as follows:

“(52) Treatment center.

- (a) The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit and the training and licensing of the staff. Any future additions or modifications to this list shall require approval of the Zoning Officer.

- (b) The applicant shall prove to the satisfaction of the Zoning Officer, with the burden-of-proof being upon the applicant, that the use will involve adequate supervision and security measures to protect public safety.
- (c) If the treatment center is a temporary residence for the clients, the maximum number of clients shall be indicated at the time of application, and that number (excluding employees) shall not exceed the minimum space requirements contained in the Uniform Construction Code, as amended and adopted by the Borough, as well as the Borough of Carlisle Property Maintenance Code, as amended.
- (d) For non-residential treatment centers, the following additional criteria shall apply:
 - (i) No more than one sign identifying the facility is permitted, and the sign shall not exceed eight inches by 24 inches or 1.3 square feet and shall not be internally illuminated.
 - (ii) The facility shall be located a minimum of 1,000 linear feet from any other such existing/approved facility.
- (e) Where treatment centers are permitted by special exception, the applicant shall satisfy the applicable criteria in this Section 255-199.A.(52) to the satisfaction of the Zoning Hearing Board and shall meet the general special exception standards set forth in Section 255-197.
- (f) Parking requirements for treatment centers: 1 per employee, computed on the basis of the estimated maximum number of employees on duty at any one time, plus one space per three resident beds. A reduction in the foregoing parking requirements may be approved by the Zoning Officer, where the treatment center is permitted by right, or the Zoning Hearing Board, where the treatment center is permitted by special exception, to the extent that the applicant demonstrates that parking facilities are not required because residents of the treatment center are not able or permitted to drive.
- (g) For residential treatment centers, no exterior signs or other features visible from the exterior shall identify the type of use.”

SECTION 12: Chapter 226, Article II, Section 9, Definitions and word usage, of the Borough of Carlisle Subdivision and Land Development Ordinance, is hereby amended as follows:

- A. The definition of “Dwelling” is hereby deleted.

B. The definition of Dwelling Unit is hereby amended to be as follows:

DWELLING UNIT: A single unit providing complete, independent living facilities for one family or a single person, including permanent provisions for living, sleeping, eating, cooking and sanitation. The term “dwelling unit” shall not include boardinghouse, hotel, motel, hospital, nursing home, fraternity, or sorority house unless required to be accommodated by residential uses pursuant to the Fair Housing Act and/or Americans with Disabilities Act. A dwelling unit may include a dwelling that meets the definition of a “modular home”. Any reference to “dwelling” in Chapter 226 shall be a reference to a “dwelling unit”.

SECTION 13: All remaining provisions of Chapter 255 and Chapter 226 shall remain in full force and effect unless otherwise repealed by any other ordinance. All ordinances, or parts of ordinances, conflicting with this ordinance shall be and the same are hereby repealed insofar as the same affect this ordinance. The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or any other provision, section, article or chapter of the Code of the Borough of Carlisle.


SECTION 14: This ordinance shall take effect upon enactment.

DULY ENACTED AND ORDAINED according to law this 11th day of July, 2024.

ATTEST:

BOROUGH OF CARLISLE

By:


Patricia Blair, Borough Secretary

By:


Sean M. Shultz, Mayor

(Borough Seal)



NOTICE IS HEREBY GIVEN that the Borough Council of the Borough of Carlisle, Cumberland County, Pennsylvania, will hold a public hearing at 5:45 p.m. on July 11, 2024 in Town Hall, Borough Municipal Building, 53 West South Street, Carlisle, Pennsylvania, for purposes of receiving public comment on the Ordinance summarized below. Upon conclusion of the hearing, Council will consider and possibly vote upon enactment of the Ordinance at the hearing or as part of its regularly scheduled meeting commencing at 6:00 p.m. July 11, 2024.

Full Title: An Ordinance Amending The Text Of The Carlisle Zoning Ordinances, Chapter 255 Of The Code Of The Borough Of Carlisle, To Provide For And Define Certain Residential Uses Consistent With The Federal Fair Housing Act And Americans With Disabilities Act, As Amended And Amending Definitions In Chapter 226 Of The Code Of The Borough Of Carlisle. Ordinance summary: Section 1 Amends Chapter 255, Article II, Section 12 Definitions by deleting the definition of the word Dwelling and amending the definitions of Dwelling Unit, Family, Group Home, Housekeeping Unit and Treatment Center. Section 2 amends Section 255-15 D to permit Group Home as a use permitted by right in the R-1 Low Density Residential District subject to compliance with Section 255-199A(18). Section 3 amends Section 255-77 to delete subsection L, Group Homes, as a special exception use in the C-3 General Commercial District. Section 4 amends Section 255-83 by adding subsection V which allows treatment centers by right in the C-4 Neighborhood Commercial District. Section 5 deletes subsection A from Section 255-84 to delete Group Homes as a special exception use in the C-4 Neighborhood Commercial District. Section 6 amends Section 255-98 to deleted subsection A, treatment centers, as a special exception use from the I-1 General Industrial District. Section 7 amends Section 255-120 to include new items (46) group home, subject to Section 255-199A(18), and (47) treatment center subject to Section 255-199A(52), as permitted uses in the UM Urban Mixed Use District. Section 8 deletes Section 255-197.G, persons with disabilities, from the Zoning Ordinance. Section 9 amends Chapter 255 by adding Section 201 to allow the Borough Zoning Officer to grant reasonable accommodations for persons with disabilities as an administrative decision, and specifying the content of a reasonable accommodations request. Section 10 amends and restates Section 255-199.A.(18) specifying 11 requirements and limitations for group homes, to include limiting occupancy to no more than 10 persons except as permitted by special exception, adequate supervision by qualified persons, license requirements, registration requirements, off street parking requirements, and that the building in a residential district be close to appearance to other residential structures in the area. Section 11 amends Section 255-199.A(52) with respect to treatment centers, specifying seven requirements, to include a description of residents, that there will be adequate supervision, number of clients, location and sign requirements for non-residential treatment centers, parking requirements and no signs for residential treatment centers. Section 12 amends Section 226-9, definitions, of the Subdivision and Land Development Ordinance by deleting the definition for Dwelling and amending the definition of Dwelling Unit. Section 13 provides for Chapters 255 and 226 to remain in effect and repeals conflicting ordinances and parts and provides for severability in the event of invalidity. Section 14 provides for the ordinance to be effective upon enactment.

The hearing and Council meeting on July 11, 2024 will be conducted in person and virtually using Zoom. If you would like to attend the hearing or meeting via Zoom, please email the Borough Secretary, Patricia Blair (pblair@carlislepa.org) for the Zoom sign-in registration information required to attend. All emails must be received by July 11, 2024 by 4:00 p.m. Persons requiring special accommodations should contact the Borough Secretary at 717-240-6920, 48 hours prior to the public meeting. Telecommunications device for the deaf (TTY) users may contact this number

by using the Pennsylvania Relay System at 800-654-5894. The full text of the proposed Ordinance may be examined at no charge at the Office of the Carlisle Borough Manager, 53 West South Street, Carlisle, Pennsylvania, during regular business hours and copies of same may be obtained for a charge not greater than the cost thereof.

Patricia Blair, Secretary
Borough of Carlisle

Keith O. Brenneman, Esquire, Borough Solicitor
Law Office of Keith O. Brenneman, P. C.