

ORDINANCE NO. 2231

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING THE FOLLOWING SECTIONS OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN: § 1400, DEFINITIONS, OF PART 14, DEFINITIONS, TO REVISE THE DEFINITION FOR GROUP HOME AND ALSO CREATE NEW DEFINITIONS FOR SOBER LIVING HOME, SOBER LIVING HOME (LICENSED), AND SOBER LIVING HOME (UNLICENSED); §319.6, TRADITIONAL TOWN NEIGHBORHOOD (CONVERSATION), OF PART 3, DISTRICTS, TO ELIMINATE GROUP HOME AS A SPECIAL EXCEPTION; § A319.4, GROUP HOMES, OF APPENDIX 3, DISTRICTS, WHICH IS TO BE DELETED; PART 5, GENERAL REGULATIONS, TO CREATE A NEW § 511, GROUP HOMES, TO PROVIDE FOR THE REGULATION OF GROUP HOMES, GENERALLY, AND, SPECIFICALLY, AS A SPECIAL EXCEPTION, UNLICENSED SOBER LIVING HOMES; AND § 906, VARIANCES, OF PART 9, ZONING HEARING BOARD, TO AMEND ITS TITLE TO VARIANCES AND SPECIAL EXCEPTIONS, AND THEREIN ESTABLISH GENERAL CRITERIA FOR THE APPROVAL OF ANY SPECIAL EXCEPTION.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. Section 1400, Definitions, of Part 14, Definitions, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown (hereinafter referred to as the “Zoning Ordinance”) is hereby amended, in relevant part, to revise the current definition for Group Home and to also create new definitions for Sober Living Home, Sober Living Home (Licensed), and Sober Living Home (Unlicensed) as follows:

GROUP HOME

Any dwelling which, in a family setting or environment, accommodates the housing, support, oversight, and care of persons who need supervision and non-specialized health, social, and/or rehabilitative services because of physical disability, old age, mental retardation/developmental disability or other handicap or disability legally recognized under the Federal Fair Housing Act Amendments of 1988 or the Americans With Disabilities Act, as amended, unless the use otherwise meets the definition of a "bed-and-breakfast," "boardinghouse," "criminal housing facility," "dormitory," "hospital," "rooming house," "treatment center," or other similarly defined use provided for herein, as determined by the Zoning Officer.

SOBER LIVING HOME

A type of group home used by four or more individuals recovering from drug or alcohol addiction, who are not actively consuming alcohol or illegally using any controlled substance as defined in 21 U.S. Code § 802, as amended, and which provides those individuals with a safe and supportive drug and alcohol-free environment that may include peer support and other non-specialized recovery support services for the purposes of a transitional environment between rehabilitation/treatment facilities and reintegration into their future lives. This definition includes but is not limited to uses often known as sober houses, recovery houses, or sober living environments.

SOBER LIVING HOME (LICENSED)

A sober living home with a valid license issued by the Pennsylvania Department of Drug and Alcohol Programs (DDAP).

SOBER LIVING HOME (UNLICENSED)

A sober living home without a valid license issued by the Pennsylvania Department of Drug and Alcohol Programs (DDAP).

SECTION 2. Subsection 6, Special Exceptions, or § 319, Traditional Town Neighborhood (Conservation), of Part 3, Districts, of the Zoning Ordinance is hereby amended to delete Group Home as a use permitted by special exception.

SECTION 3. Subsection 4, Group Home, of § A319, Special Exceptions, of Appendix 3, Districts, of the Zoning Ordinance is hereby deleted.

SECTION 4. Part 5, General Regulations, of the Zoning Ordinance is hereby amended to create a § 511, Group Homes, which shall provide as follows:

§ 511 Group Homes.

1. As with any dwelling unit, the maximum occupancy of a group home, and the bedrooms therein, shall not exceed the maximum permitted by any applicable building code, fire code, and any other similar code that sets forth the relevant maximum occupancy limits for dwelling or bedrooms.
2. Group homes are not to be considered owner-occupied and, as such, all group homes shall also register with the Department of Licensing and Inspections and maintain a valid Residential Rental License, pursuant to the relevant Parts of Chapter 5, "Code Enforcement."
3. A group home shall be required to provide, at all times, a direct means of escape to ground level for all occupied bedrooms.
4. With the exception of unlicensed sober living homes, group homes shall be permitted by right in dwellings, provided, however, that no group home shall be operated in an accessory building.
5. Unlicensed sober living homes shall be permitted in dwellings by special exception where the applicant demonstrates that the use meets or exceeds the following regulations and criteria:
 - A. A competently trained, on-site house manager responsible for enforcement of all house rules and policies shall be on-duty at all times.
 - B. The residents shall maintain a single household unit with shared use of living areas, eating areas, bathrooms and food preparation and serving areas, and shall share mealtimes and housekeeping responsibilities.
 - C. All residents shall be subject to a valid, enforceable written lease agreement.
 - D. The dwelling complies with all Federal, State and local laws, including, but not limited to, the Americans with Disabilities Act of 1990, as amended, including but not limited to accessible facilities, and the Borough's Building Codes, as amended, and Property Maintenance Code, as amended.
 - E. No sign shall identify the use.
 - F. No kitchen facilities shall be permitted in any bedroom.
 - G. The dwelling shall be connected to an approved public sewage disposal and water supply system and the applicant shall possess sufficient EDUs for the operation of the sober living home.

- H. The home shall be built, maintained, and operated so as to maintain the appearance of a single-family home compatible with the surrounding neighborhood and avoid potential or actual adverse influences and impacts upon surrounding properties and the general health, safety, and welfare.
- I. The operator shall provide a scaled floor plan depicting all common areas and bedrooms and includes notations on maximum occupancy of each room.
- J. The applicant shall provide proof of adopted written policies and procedures and thereafter enforce policies and procedures which adequately:
 - (1) Requires that all residents shall be subject to a valid, enforceable written lease agreement.
 - (2) Ensures that residents are informed of house rules, residency requirements, and their rights as a tenant including but not limited to the prohibition against self-help evictions.
 - (3) Requires criminal background checks for the operator and all employees.
 - (4) Mandates that no owner, employee, house officer or related individual shall directly or indirectly solicit or accept a commission, fee or anything of monetary or material value from residents, other related individuals, third party entities or referral sources, beyond specified rent established in writing at the time of residency.
 - (5) Addresses the safety and protection of residents.
 - (6) Requires abstinence by residents from alcohol and illicit drugs.
 - (7) Addresses appropriate use and security of medication.
 - (8) Prohibits an owner, house administrator or employee from requiring a resident to sign any document for the purpose of relinquishing the resident's public assistance benefits, including, but not limited to, medical assistance benefits, cash assistance and Supplemental Nutrition Assistance Program benefits.
 - (9) Requires the operator to maintain the property in which the house is located, including the installation of functioning smoke detectors, carbon monoxide detectors and fire extinguishers and compliance with local fire codes.
 - (10) Addresses the management of complaints from residents and neighbors.

- (11) Requires the operator to notify a family member or other emergency contact designated by the resident under certain circumstances, including but not limited to relapse and death due to an overdose.
- (12) Requires that at least 48 hours prior to an occupant's eviction or otherwise legal involuntary termination of any occupant's residency, the operator thereof shall notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the property, and also requires the operator to provide available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the sober living home or, in the event the occupant declines said transportation or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another sober living home or residential care facility that has agreed to accept the occupant.

SECTION 5. Section 906, Variances, of Part 9, Zoning Hearing Board, of the Zoning Ordinance is hereby retitled to Variances and Special Exceptions and amended to create a subsection 2 which shall provide as follows:

§ 906 **Variances and Special Exceptions.**

2. The Board may grant a special exception approval, provided all of the following findings are made (where relevant) in a given case in addition to any use specific regulations and criteria contained herein:
 - A. The use is consistent with the Comprehensive Plan.
 - B. The property is suitable for the use desired, and the proposed use is consistent with the goals, objectives, and policies established within the Zoning Ordinance.
 - C. The use at the property in question shall not be contrary to the public health, safety, morals, and/or public welfare.
 - D. The capacity of the road system and pedestrian walkway providing access to the property in question has capacity to accommodate the use, and the use shall not detrimentally lower the level of service of the roads and walkways or any portions thereof or any street intersections.

- E. The interior traffic circulation of the proposed use at the property in question, including, but not limited to, acceleration and deceleration lanes, where required, at the proposed entrances to the location, provides safe and convenient circulation for users, visitors, employees, and emergency vehicles that may require entrance thereon.
- F. The use provides safe and convenient pedestrian access and internal circulation within the grounds and the facility of the property in question, and particularly for points of access from any building to any parking areas.
- G. Screening and buffering is provided for between the lands in question and the surrounding residential uses and residentially zoned districts where, in the opinion of Council, the use may require screening and buffering necessary to screen the facility from view and preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.
- H. The use does not present noise, dust, smoke, heat, radiation, hazardous substance, vibration, glare, fumes, odor, or electrical or electronic interference, including Wi-Fi, radio, or television reception, which unreasonably impacts or interferes with the use of adjoining properties and those within the district.
- I. Where in the opinion of the Board, the use may require supervision and protection, additional security measures will be accounted for by the owner or site manager so the use does not create the continuous burden on emergency management services and providers.
- J. Sufficient pick-up and disposal of refuse and garbage is provided for, and any exterior waste disposal containers and/or dumpsters are enclosed.
- K. There will be no impermissible increase in surface water runoff and erosion within or at the boundaries of the property as a result of the site improvements.
- L. Any proposed signs and exterior lighting are compatible and in harmony with other properties in the district, with specific reference to glare and traffic safety.
- M. The use is in conformance with all other applicable requirements of this zoning ordinance, all municipal ordinances, and all state and federal statutes.

SECTION 6. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

invalidity shall not affect or impair any part of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

SECTION 7. Reenactment. All other parts of the Pottstown Borough Zoning Ordinance and Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent not inconsistent herewith are hereby reenacted and reordained and shall remain in effect as previously adopted.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and ORDAINED this 13th day of May, 2024.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

BY: 

Dan Weand, President

ATTEST: 

Alexa Barry, Secretary

Approved this 13th day of
May, A.D., 2024.


Stephanie Henrick, Mayor