

**CITY OF GEORGETOWN
ORDINANCE NO. 2010-003**

**AN ORDINANCE TO AMEND
THE GEORGETOWN/SCOTT COUNTY ZONING ORDINANCE REGULATIONS TO
AMEND ARTICLE II SECTION 2.1 (DEFINITIONS) AND ADD ARTICLE II SECTION
2.58 (GROUP HOMES)**

WHEREAS: courts have recognized that circumstances engendered the communal living of unrelated individuals within a single-family dwelling in residential districts present urban problems, in that “[m]ore people occupy a given space; more cares rather continuously pass by; more cares are parked; [and] noise travels with crowds.” *Village of Belle Terre, et al v. Borass, et al.*, 416 U.S. 1, 9, 96 S. Ct. 1536, 1541; and

WHEREAS: Congress passed the federal Fair Housing Act (“FHA”) as Title VIII of the Civil Rights Act of 1968 to prohibit housing discrimination and in 1988, Congress passed the Fair Housing Amendments Act (“FHAA”), which expanded the coverage of the FHA to include people with handicaps; and

WHEREAS: the City seeks to reduce urban problems created by the communal living of unrelated individuals residing within single-family dwellings located in residentially zoned districts, while strictly adhering to requirements established by the Fair Housing Act, as amended and providing reasonable accommodations to individuals having a handicap;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF GEORGETOWN, KENTUCKY, as follows:

Section One: ARTICLE II SECTION 2.1 DEFINITIONS: NEW PROVISIONS. [New language is underlined. Language which is unchanged is not marked. Superseded language is shown as ~~stricken~~.]

Community Living Arrangement – A residence that houses persons, on a twenty-four (24) hour basis, who because of age, mental disability, or other reasons, live in a residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This definition shall not include temporary or emergency shelters or victims’ assistance shelters. This definition shall include:

1. Halfway houses
2. Group homes
3. Social rehabilitation facilities
4. Drug and alcohol abuse centers/facilities or
5. Convalescent homes

Group Home – A long-term residential care service functioning as a single housekeeping unit providing meals, supervision, and/or other support services for not more than three (3) elderly, physically, emotionally, and/or mentally disabled individuals not related to the owner/manager of the group home.

Family – (A) One (1) or more persons who inhabit a single dwelling unit, as a single housekeeping unit, which is: (A) traditionally characterized by matrimonial or parent-child relationships, provided that all such persons are related by blood, marriage, adoption, fosterage, or guardianship and no more than two (2) unrelated inhabitants are included in the housekeeping unit; or (B) predominantly characterized by voluntary associational or communal relationships, provided no more than three (3) inhabitants are included in the housekeeping unit.

Section Two: Add Section 2.58 Group Homes

In order to provide reasonable accommodations to unrelated individuals with handicaps or who are elderly, Group Homes shall be permitted as a Conditional Use within the R-1A, R-1B, R-1C, R-2, and R-3 districts, subject to prescribed use conditions as follows:

1. To avoid clustering and problems created when numerous unrelated individuals live together in single-family dwellings, Group Homes shall not be located on a lot within one thousand (1,000) feet from any other lot containing any such use. This spacing regulation is established, not on the basis of handicap status, but on the basis of the non-family status of the groups. The spacing between these uses shall be measured in a straight line from the nearest point on a lot line of the property containing a use to the nearest point on a lot line of the other property containing a use. To provide further accommodations to inhabitants of Group Homes, the Board of Adjustment shall, by Conditional Use, reduce or eliminate this spacing requirement upon a finding that the federal Fair Housing Act, as amended, requires it, or that the granting of this Conditional Use shall not be injurious to the neighborhood, or detrimental to the public welfare and will be in harmony with the spirit and intent of the Zoning Ordinance. In consideration of granting this Conditional Use, the Board shall specially consider: traffic and parking congestions given the capacity of nearby streets, the likelihood that any other applicable group home use will impact traffic and parking congestion, traffic hazards, the availability of off-street parking, the availability of public transit and the likelihood of its use, the feasibility of traffic mitigation measures, and the impact on public utilities, including water and sanitary sewer capacities.
2. Any application for a Group Home which is found to meet the one thousand (1,000) foot separation requirement shall be granted a Conditional Use permit, subject to the remainder of this section.
3. The Board of Adjustment shall not charge any fee for the review and/or granting of any Conditional Use Permit or Conditional Use, including but not limited to fees for providing notices by posting, mailing, and publication, or for review of compliance with spacing requirements.
4. For any Conditional Use granted for the location of a Group Home, the Board of Adjustment shall limit the granting of the Conditional Use to a specified period of time, giving particular consideration to accommodations for financial constraints which may make the establishment of the Group Home impractical and the review of compliance

with any conditions the Board may attach. Regardless of the time limitation established, and applicant may apply for subsequent grants of the Conditional Use, extending the Group Home use, which shall not be unreasonably denied.

5. Signs advertising a Group Home are prohibited.
6. In the event that a site, for which no final plat has ever been recorded for, is selected for a Group Home development or cluster of at least three (3) Group Homes, then the separation requirement shall be waived by the Board of Adjustment.

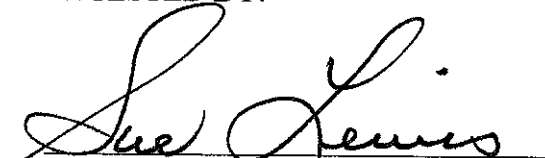
SECTION TWO: EFFECTIVE DATE: This Ordinance shall take effect upon passage and publication.

The foregoing Ordinance was introduced and read for the first time at the Council's regular meeting, January 11, 2010, and for the second time, adopted and approved, at the Council's regular meeting January 25, 2010.

APPROVED BY:


KAREN TINGLE-SAMES, MAYOR

ATTESTED BY:


SUE LEWIS, CLERK-TREASURER