

SUBJ - Definitions used in Zoning Ordinance.

Zoning Medical Classifications:

The following are medical classifications that are listed in the Zoning ordinance (definition section).

A. Medical Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients require a stay of less than 24 hours.

Current Classification:

VC-1 P

VC-2 P

We discussed that Medical Clinics can be considered separately since they don't require stays in excess of 24 hours. The above zoning classification seems appropriate for Medical Clinics.

Planning Commission Recommendation:

Voted to keep Medical Clinics VC-1 and VC-2 as Permitted.

B. Group Home: The use of any lawful dwelling unit which meets all of the following criteria:

- Involves the care of the maximum number of persons permitted by the group home standards of §54 and meets all other standards of such section.
- Involves persons functioning as a common household.

- Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental impairment or other handicap* as defined by applicable Federal law.
- Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: As of 1992, the Federal Fair Housing Act defined Handicap as follows: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21.

Current Classification:

All Zones CU

Currently allowed in all Zones as conditional use (CU). Should be listed as Permitted (P). There are ample conditions listed for Group Homes and are listed in Article VI Section 54.

We discussed that there is a supreme court case that requires that all Group Home applications (listed above) be allowed in all zoning classifications.

The above zoning classification (permitted in all zones) seems appropriate for Group Homes.

Planning Commission Recommendations:

Voted to change current zoning from Conditional Use to Permitted.

Remaining Care Classifications:

C-a. Hospital: An institution or establishment providing primary health services and medical or surgical care to persons, primarily inpatients, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, training facilities, medical offices, or staff residences.

C-b. Rehabilitation Center: A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require hospitalization but not including drug and alcohol treatment centers.

C-c. Drug and Alcohol Treatment Center: A use (other than a correction facility or a permitted accessory use in a hospital) providing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than one year and who need such facilities because of chronic abuse of or addiction to alcohol and/or a controlled substance.

Current Classification:

VC-1 SE

I P

It was determined that the above 3 categories need to be considered similarly. The reason is that you cannot discriminate between types of diseases.

Option(s) for zoning:

<u>Current</u>		<u>Comments</u>
VC-1	SE	Open possibility to development of VC-1.
Ind	P	
Or		
Ind.	P	Only allow in Industrial, do not allow in VC-1, take the chance of applicant taking us to court.

Planning Commission Recommendations:

Voted to consider these uses together and zone as Industrial - Permitted. We did review Todd Weitzmann recommendations in making this decision. Todd's recommendations include:

1. Consider these uses together. Other information indicates that you cannot discriminate between different types of illnesses.
2. Each use needs to be listed separately and clearly (without ambiguity).
3. The zoning district that would be best identified for these uses should be decided by Borough Council.

Subj - Ordinances:

Planning Commission Ordinance Recommendations:

Short Term Rental:

Short Term Rental - Attached is a recommended ordinance from Monroe County Planning Commission to address short term rentals - can those restrictions be added to current zoning ordinance or should they be listed as a separate ordinance.

In my conversation with Carson, it was determined that it should be listed separately. The reason is that it can be more easily enforced. The language in Article VIII Section S122 needs to be modified to indicate that a separate ordinance needs to be referred to.

Planning Commission Recommendations:

The planning commission voted to adopt the County recommended short term rental zoning ordinance.

Building Identification 911 Safety Program:

Building and road identification: Attached is the recommended ordinance to replace Ordinance # 300. The new ordinance will be consistent with new Zoning Ordinance.

Planning Commission Recommendations:

The planning commission voted to adopt the recommended Building Identification Ordinance.

Driveway Ordinance:

Driveway construction - Attached is the recommended ordinance to replace Ordinance # 278. The new ordinance will be consistent with new Zoning Ordinance.

Planning Commission Recommendations:

The planning commission voted to adopt the recommended Driveway Construction Ordinance.55

Outdoor Dining:

Outdoor Dining - Council wanted to allow outdoor cooking in the outdoor dining area.

Suggested language added to current ordinance (Section 117).

“Outdoor cooking may be allowed in outdoor dining area but must be separated by a physical barrier and the distance between the outdoor cooking and outdoor dining must be minimum of 15 feet. I spoke to Carson about including

language “The physical barrier shall be planter boxes which shall be 36 - 42 inches in height”.

Planning Commission Recommendations:

The planning commission voted to adopt the modified outdoor dining ordinance.