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## ***MONROE COUNTY PLANNING COMMISSION***

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December 11, 2023

Jacob Pride, Chairman  
Smithfield Township Board of Supervisors  
1155 Red Fox Road  
East Stroudsburg, PA 18301

Re: Rehabilitation Facilities  
Zoning Ordinance Amendments  
Smithfield Township  
MCPC Review #204-23

Dear Mr. Pride:

The above cited amendments were reviewed by Eric Koopman, Lead Senior Planner, on behalf of the Monroe County Planning Commission. You will find the comments enclosed.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on January 9, 2024 at 5:00 p.m. at the Monroe County Administrative Center. This action is in keeping with the Planning Commission's review policy and allows the municipalities and other interested parties to respond to the review comments before the Planning Commission's public meeting.

If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved as enclosed.

If you have any questions, or if we can be of further service to you, please feel free to contact me.

Sincerely yours,

A handwritten signature in blue ink that reads "Christine Meinhart-Fritz".

Christine Meinhart-Fritz  
Director

CMF/ek  
Cc: Julia Heilakka, Township Manager

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## ***MONROE COUNTY PLANNING COMMISSION***

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TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner 

DATE: December 11, 2023

SUBJECT: Rehabilitation Facilities  
Zoning Amendments  
Smithfield Township  
MCPC Review #204-23

The Township of Smithfield is proposing amendments to its zoning ordinance. Specifically, the amendments propose to repeal a previously adopted ordinance that permitted ‘Residential Drug, Alcohol, and/or Substance Abuse Treatment Facilities’ within the Low-Density Residential (R-1) District. The Schedule of Uses is to be amended to remove this use from the R-1 district and also to make it a conditional use rather than a permitted by right use in the Economic Development (ED) district. The definition for “Rehabilitation Facility” is also to be revised.

The above mentioned amendments have been reviewed on the basis of generally accepted planning principles and the provisions set forth by the Pennsylvania Municipalities Planning Code (PMPC), as amended. The following comments are offered:

1. The proposed curative amendments are generally consistent with the PMPC, Act 247 of 1968, as amended, in terms of following required procedures.
2. The amendments propose to repeal amendments adopted under Ordinance 238 of 2020. While these original amendments were reviewed by our office, we have no record of the adopted and signed amendments. Future adopted amendments should be forward to this office within 30 days, as specified by the PMPC.
3. The proposed revised definition for ‘Rehabilitation Facility’ is generally consistent with those found in other county resources. It should be noted that the revised definition clarifies that supplementary regulations for ‘Residential Drug, Alcohol, and/or Substance Abuse Treatment Facilities’ would specifically apply to this use.
4. While there are additional standards for Rehabilitation Facilities, there are still a number of additional regulations that may be incorporated. Examples include security, fencing, buffers, visitor parking and access, hours of operation, and other concerns should be considered. The Township is encouraged to explore which standards are not included in state and federal regulations of this land use that may need to be addressed through zoning.

5. While the proposed amendments would remove Rehabilitation Facilities as a permitted use within the R-1 district, it should be noted that any established such facility in this district would remain viable as a non-conforming use. Existing facilities would also be able to expand if conditions of §27-604 are met.
6. This land use may be considered to be generally more consistent with the intent of the ED District rather than the R-1 District. The proposed amendments would address this concern as stated in previous comments (MCPC Review #159-20, Comment #4).
7. If any revisions are made to the proposed zoning ordinance amendments, they must be resubmitted to the MCPC for review prior to adoption. This requirement was recently affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005). It is recommended that the Township discuss this with their solicitor.
8. The Staff has reviewed the proposed amendments and recommends that adoption be subject to the above noted comments being satisfactorily addressed.

In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

This review is subject to the approval of the Monroe County Planning Commission at its next regularly scheduled meeting.