

**BOROUGH OF THROOP
LACKAWANNA COUNTY, PENNSYLVANIA
ORDINANCE NUMBER 3 OF 2019**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THROOP BOROUGH, ORDINANCE NO. 11 OF 2000, AS AMENDED, ENACTED ON MARCH 13, 2000.

IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF THROOP, THAT THE FOLLOWING AMENDMENTS TO THE ZONING ORDINANCE OF THE BOROUGH OF THROOP ARE HEREBY ADOPTED.

SECTION 1.

Article 3, DEFINITIONS, Section 302, Definition of Terms, is hereby amended to include the following terms and definitions:

DWELLING UNIT:

One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilet facilities and separate cooking facilities for exclusive use by the family residing therein.

FAMILY:

Any number of individuals related by blood, marriage or legal adoption, including foster children, occupying a dwelling unit as their domicile as a single nonprofit housekeeping unit. A family shall also be deemed to include not more than 4 unrelated persons occupying a dwelling unit as their domicile and living as a single, nonprofit housekeeping unit. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition.

A family does not include a group living in a rooming house or hotel, or fraternities, sororities, and clubs, or other forms of congregate or communal living arrangements, except as otherwise provided herein.

GROUP HOME:

A dwelling unit shared by more than 4 individuals, who are not related by blood, marriage or legal adoption occupying the premises as their domicile and living together as a single non-profit housekeeping unit. The term "group home" shall not include:

- A. A rooming house and/or a personal care home
- B. A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or addiction to a controlled substance
- C. A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution, including, but not limited to a halfway house or other housing facilities serving as an alternative to incarceration.

HALFWAY HOUSE:

A State licensed facility providing supervised services, counseling and life skills training to assist persons in readjusting to society and to live independently following a period of institutionalized treatment, imprisonment or hospitalization.

METHADONE TREATMENT FACILITY:

A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

PERSONAL-CARE HOME:

A facility, as defined under current State licensing requirements, in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four consecutive hours for more than three (3) adults who are not relatives of the operator of the facility and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility.

ROOMING HOUSE:

A structure or portion thereof, which contains rooming units which are rented or leased, with the occupants of said unit being non-transient, and utilizing said location as their legal place of residence. There shall be not more than 4 occupants leasing or renting rooming units therein. A structure or portion thereof shall be classified as a Rooming House if any or all of the following applies:

- (1) individual room(s) that do not meet the definition of a dwelling unit are rented for habitation by a total of 2 or more persons who are not “related” to the owner of record of the property, or
- (2) a dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of “family”), or
- (3) if individual units of living space not meeting the definition of a dwelling unit are separately rented to person(s) who are not “related” to the owner of record of the property. If a dwelling unit is rented, there shall not be more than one lease among all of the occupants. Individual leases among occupants shall be deemed to have the dwelling unit classified as a rooming house.

A rooming house shall not include the following uses: any other form of communal living arrangements, a substance abuse treatment facility, an abused persons shelter, a hotel, dormitory, motel, assisted living center, bed and breakfast use, group home or nursing home. A rooming house may either involve or not involve the providing of meals to residents.

ROOMING UNIT:

A room or rooms, in a Rooming House, forming a single habitable unit intended for living quarters but lacking separate bathroom and toilet facilities and/or cooking facilities for exclusive use by the occupant or occupants of the rooming unit.

SUBSTANCE ABUSE TREATMENT FACILITY:

A State licensed facility which may provide detoxification treatment services, counseling and residency for persons with a defined substance abuse which includes overnight stays for patients.

SUBSTANCE ABUSE TREATMENT FACILITY, OUTPATIENT:

A State licensed facility for the treatment of persons who abuse and/or are addicted alcohol, drugs and/or other controlled substances, where such treatment does not include overnight stays.

SECTION 2.

The R-2, Residential Medium Density District, as set forth under Section 503 is hereby amended to include the following uses as a Special Exception Use within the R-2 District:

- Rooming House
- Group Home
- Personal-Care Home

SECTION 3.

The I-1 District, Light Industrial District, as set forth under Section 507 is hereby amended to include the following uses as a Conditional Use within the I-1 District:

- Halfway House
- Methadone Treatment Facility
- Substance Abuse Treatment Facility:
- Substance Abuse Treatment Facility, Outpatient

SECTION 4.

SEVERABILITY: If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 5.

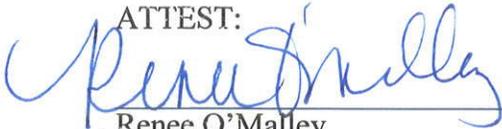
REPEALING PROVISION: All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6.

EFFECTIVE DATE: This Ordinance shall upon its enactment become effective immediately.

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF THROOP, LACKAWANNA COUNTY, PENNSYLVANIA, ON THIS 28th DAY OF JANUARY, 2019.

ATTEST:

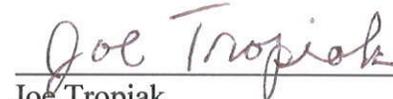


Renee O'Malley
Borough Secretary

BOROUGH OF THROOP



Richard Kucharski
President of Council



Joe Tropiak
Mayor