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COMMUNITY DEVELOPMENT DEPARTMENT

**FOR IMMEDIATE RELEASE**  
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**Beloit City Council to Consider Adding  
an Ambulatory Surgery Center Category to the Zoning Code**

**April 29, 2021** - The Beloit City Council is considering a zoning change during its meeting on Monday, June 7, 2021, that would include a category for Ambulatory Surgery Centers.

The City of Beloit zoning ordinance currently does not include or recognize Ambulatory Surgery Centers, which is a medical practice that was less common when the zoning code was originally adopted. As a result, city planning staff has developed a proposed ordinance amendment to define Ambulatory Surgery Centers consistent with existing federal regulations and to add the use to the Use Table for each zoning classification. The proposed ordinance defines and classifies Ambulatory Surgery Centers without medical care beyond 24 hours as permitted in zoning districts similarly to a medical office and Ambulatory Surgery Centers with medical care beyond 24 hours as permitted in zoning districts similarly to a hospital. Prohibiting Ambulatory Surgery Centers altogether is not an option, and now that one has been proposed, the City is obligated to determine the zoning districts in which they will be allowed.

The Planning & Building Services Division is responsible for administering the city's zoning ordinance and other land use codes while implementing various adopted plans and policies to regulate development in Beloit. The Planning & Building Services Division values equity and strives to serve all in a fair manner, providing responsive customer service that balances private property rights with the public interests served by land use regulation. The Planning & Building Services Division role is to be impartial regardless of any competition within any given industry.

The need to review the city's zoning code was discovered when Orthollinois previously proposed the construction of an Ambulatory Surgery Center on the property located at 1350 Gateway Blvd in Beloit. The proposed Orthollinois Ambulatory Surgery Centers was never classified as a hospital, nor could it be classified as a hospital, because overnight care was not part of the proposal. The guest suites to be offered by Orthollinois were an amenity for traveling patients. The zoning ordinance defines hospitals as "uses providing medical or surgical care to patients **and offering overnight care.**"

On November 25, 2020, City Planning staff determined that the proposed Ambulatory Surgery Center without overnight medical care was a "New or Unlisted Use" under the Zoning Ordinance, and therefore permitted by-right in the M-2 Zoning District in which 1350 Gateway Blvd is located. Beloit Health System (BHS) and Timothy M. McKeveatt appealed City staff's New or Unlisted Use Determination, but then requested postponement of the March 9, 2021 Board of Appeals hearing wherein Planning staff would have been offered the opportunity to provide a Staff Report and respond to BHS' allegations. Orthollinois subsequently withdrew their request for a New Use Determination, rendering the appeal as moot.

Throughout this process, BHS repeatedly mischaracterized Planning staff's decision in this matter to the Plan Commission, Board of Appeals, media, and their employees. Essentially, BHS argues that the City's planners are "biased" against them because they did not classify the proposed Ambulatory Surgery Center as a "mini-hospital." The City's zoning ordinance does not have a "mini hospital" classification. If the Ambulatory Surgery Center had been characterized as a hospital, then the Ambulatory Surgery Center would have been permitted by-right in four different zoning districts rather than limiting the use to the single M-2 district.

The Plan Commission will consider the proposed ordinance amendment relating to Ambulatory Surgery Centers at its regular meeting on Wednesday, May 19. The City Council is expected to consider the proposed ordinance amendment at its regular meeting on Monday, June 7<sup>th</sup>. Resident questions can be directed to the Planning Division at (608) 364-6700. News media questions can be directed to Sarah Lock, Director of Strategic Communications, at 608-364-6726.

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