

AMENDMENT TO ZONING ORDINANCE
FOR MONTROSE BOROUGH,
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE NO: 2018-01

BACKGROUND

WHEREAS, the Borough of Montrose Zoning Ordinance, as amended (hereinafter "Zoning Ordinance"), and the Zoning Map, provide for four (4) zoning districts; namely (a) R-1 Residential; (b) X-1 Office, Institutional, and Professional; (c) C-1 Commercial; and (d) I-1 Industrial; and

WHEREAS, the Council of Montrose Borough recognizes that the C-1 and X-1 districts are mainly occupied by government organizations, including court related institutions, primarily because Montrose Borough is the county seat of Susquehanna County; and

WHEREAS, the Council of Montrose Borough recognizes the need to maintain county and other government services in close proximity to one another, and those professions that are served, and provide services to, the county and other government organizations, such as attorneys; and

WHEREAS, the term "Clinic" is defined by the Zoning Ordinance as "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 the patients require a stay of less than twenty-four (24) hours; and

WHEREAS, Clinics are principal permitted uses in X-1, C-1 and I-1 districts; and

WHEREAS, the Council of Montrose Borough recognizes that the C-1 and X-1 districts comprise a small percentage of the land surface within Montrose Borough; and

WHEREAS, the Council of Montrose Borough recognizes the topography in which the C-1 and X-1 districts are found within Montrose Borough is extremely uneven and hilly, in particular on Public Avenue, which condition is not conducive to individuals that require medical treatment, especially the elderly; and

WHEREAS, the Council of Montrose Borough recognizes that limited parking exists in the C-1 and X-1 districts, thereby causing substantial issues for those seeking medical treatment, specifically finding parking in close proximity to Clinics where medical treatment is to be obtained; and

WHEREAS, the Council of Montrose Borough recognizes that three (3) dental practices, a medical group, and a mental health organization are currently located in the C-1 district and said organizations are in close proximity to the X-1 districts; and

WHEREAS, the Council of Montrose Borough recognizes that with the mixture of professional uses currently being maintained in the C-1 districts, there exists far less opportunity for retail, dining and more diverse businesses to become established in those districts; and

WHEREAS, the Council of Montrose Borough recognizes that X-1 districts do not allow for retail and dining type of businesses; and

WHEREAS, the Council of Montrose Borough recognizes that without a more diverse mixture of uses within the C-1 and X-1 districts, those retail and dining businesses that currently exist, have suffered and will continue to suffer financially because the level of commerce, in particular outside of the normal professional business hours (9:00 A.M. to 5:00 P.M.), is significantly curtailed; and

WHEREAS, the Council of Montrose Borough recognizes that during normal professional business hours, much of the available parking within those districts are occupied by persons that are using the professional, government, court and related county offices, and Clinics, thus leaving little and/or less convenient parking opportunities for the patrons of the retail and dining establishments;

WHEREAS, the Council of Montrose Borough recognizes that retail and dining establishments in Montrose Borough have difficulty prospering, remaining in business and attracting customers as a result of the aforesaid circumstances, which has been evidenced by several business in the districts closing or threatening to close; and

WHEREAS, the Council of Montrose Borough has determined that the overall plan for the development of the C-1 and X-1 districts must include ways in which retail and dining business are encouraged to locate or remain in those districts;

WHEREAS, the Council of Montrose Borough determined that increased commerce will foster tax revenue, encourage job opportunities and stabilize the aesthetics of the buildings within C-1 and X-1 districts; and

WHEREAS, the Council of Montrose Borough has determined that the I-1 Industrial district offers substantially greater opportunities for Clinics to provide the type of accommodations necessary for the treatment of their patients; and

WHEREAS, the Council of Montrose Borough has determined that the I-1 Industrial district offers substantially greater land for Clinics to operate upon, including, the necessary parking on topography that is much more conducive to the elderly and patients of said Clinics; and

WHEREAS, the Council of Montrose Borough has determined that amending the Zoning Ordinance to allowing Clinics to operate only in I-1 districts accomplishes the objectives outlined above; and

WHEREAS, the Council of Montrose Borough has determined that amending the Zoning Ordinance to allowing the following uses in X-1 districts accomplishes the objectives outlined above: (a) Bakeries, retail; (b) Restaurants, traditional; (c) Restaurants, outdoor; (d) Restaurants, take out; and (e) Retail businesses.

WHEREAS, in furtherance of the above-stated purposes, the Council of Montrose Borough has elected to amend the Zoning Ordinance to accomplish more fully the purpose of the Zoning Ordinance and the community development objectives stated at §112-102 of the Zoning Ordinance and in particular, will:

1. Stimulate economic growth within the community.
2. Conserve and promote the public health, safety and general welfare of present and future inhabitants.
3. Promote the privacy, confidentiality, and convenience for those seeking medical services within Montrose Borough.
4. Sustain a high quality of neighborhoods and to protect individual property values.
5. To foster, provide and maintain a sound tax structure.
6. Preserve the historic and aesthetic character of Montrose Borough, while controlling and regulating its orderly growth, development and maintenance; and

WHEREAS, the Council of Montrose Borough is authorized to amend the Zoning Ordinance from time to time pursuant to §112-1015 of the Zoning Ordinance and by §609 of the Pennsylvania Municipalities Planning Code (53 PS §10609); and

NOW, THEREFORE, be it enacted and ordained that the Zoning Ordinance for the Borough of Montrose is hereby amended as follows:

SECTION 1

- A. Schedule of Uses X-1 Office, Institutional, Professional District is amended to remove Clinics in the Principal Permitted Uses category.
- B. Schedule of Uses C-1 Commercial District is amended to remove Clinics in the Principal Permitted Uses category.
- C. Schedule of Uses X-1 Office, Institutional, Professional District is amended to add the following to the Principal Permitted Uses category:
 1. Bakeries, retail;
 2. Restaurants, traditional;
 3. Restaurants, outdoor;
 4. Restaurants, take out; and
 5. Retail businesses.

SECTION 2

Repealer. All Ordinances or parts of Ordinances which are inconsistent with the terms hereof are hereby repealed.

SECTION 3

Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part other than that part specifically declared invalid.

SECTION 4

Effective Date. This Ordinance shall become effective five (5) days after enactment.

Enacted and ordained this ____ day of _____, 2018.

Attest:

Lillian T. Senko, Secretary
Montrose Borough

By: _____
Sean T. Granahan, Council President
Montrose Borough

Read and approved by me this ____ day of _____, 2018.

By: _____
Thomas LaMont, Mayor
Montrose Borough