

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

ORDINANCE NO: 2023-01

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 has considered the development within the various zoning districts since the enactment of the Zoning Ordinance and compared that development with the uses permitted by the Zoning Ordinance in each of those districts; and

WHEREAS, the Council of Montrose has determined that the lot sizes and topography of the land found within those districts substantially limits certain permissible and conditional uses within certain zoning districts; and

WHEREAS, the Council of Montrose has also recognized the growing trend within the Borough that the number of eateries, restaurants, and retail business have diminished over time, having been replaced by professional offices thereby reducing commerce within the Borough; and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 Council of Montrose Borough has identified the following uses, as defined in the Zoning Ordinance, which require larger lot sizes, level topography or other physical features that are not available in some of the zoning district in which said uses are currently permitted:

Assisted living facility: Residences that provide rooms, meals, personal care, and supervision of prescribed medication and which may provide other services such as recreational activities, financial services, and transportation, and which is licensed as an assisted living facility by the Commonwealth of Pennsylvania.

Clinics: 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.

Group Homes: The use of any lawful dwelling unit which meets all of the following criteria:

A. Involves the care of the maximum number of persons permitted by the group home standards of §- 112-805, and meets all other standards of such section.

B. Involves persons functioning as a common household.

C. 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.

D. 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.

Group homes, institutional: A use that would otherwise meet the definition of group home but which includes more than the permitted number of residents specified in §112-805.

Group Quarters: All buildings used primarily for the housing of persons non-related by blood or marriage including, but not limited to, dormitories, fraternities, sororities, and all other structures occupied by groups of persons sharing a dwelling. Rooming houses, boarding houses, hotels, motels, and resorts, group homes, jails, prisons and detention

facilities, medical clinics, health facilities and any use specifically listed in a zoning district in Article IV shall not be considered group quarters.

Health facilities: An establishment primarily engaged in providing services for human health maintenance including abused person shelters, medical clinics, hospital facilities, nursing homes and adult care facilities, and personal care homes or centers, whether publicly or privately operated.

Homeless shelter: A government or nonprofit corporation facility providing temporary housing to indigent, needy or homeless persons.

Multi-family dwellings: Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property is also considered a multi-family project. Two-family dwellings in a multi-family project are considered townhouses.

Nursing Homes: A facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully-skilled nursing care of three (3) or more persons needing such care because of old age or physical illness or disability or a developmental disability.

Personal Care Home: A residential use providing residential and support services primarily to persons who are over age sixty (60), and/or physically handicapped and/or the developmentally disabled and which is licensed as a personal care center by the Commonwealth of Pennsylvania.

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

WHEREAS, the Council of Montrose Borough recognizes the topography in which the R-1, 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 or who live in Assisted Living Facilities, Nursing Homes, and Personal Care Homes, especially the elderly and disabled; and

WHEREAS, the Council of Montrose Borough recognizes that limited parking exists in the R-1, C-1 and X-1 districts, thereby causing substantial issues for those seeking medical treatment, specifically finding parking in close proximity to Clinics and Health Facilities where medical treatment is to be obtained and meeting the Zoning Ordinance's parking requirements for larger facilities, such as Assisted Living Facilities, Group Homes, Group Quarters, Homeless Shelters, Multi-family Dwellings, Nursing Homes and Personal Care Homes; 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 establishments; 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 spaces within those districts are occupied by persons that are using the professional, government, court, and related county offices, and Clinics and Health Facilities, thus leaving little and/or less convenient parking opportunities for the patrons of the retail and dining establishments; and

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 have 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; and

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 Assisted Living Facilities, Clinics, Group Homes, Group Quarters, Health Facilities, Homeless Shelters, Multi-family Dwellings, Nursing Homes, and Personal Care Homes, to provide the type of accommodations necessary for the treatment of their clients, provide for adequate housing, and ensure that the services needed by each group of clients are available to them; and

WHEREAS, the Council of Montrose Borough has determined that the I-1 Industrial district offers substantially greater land for the aforesaid uses, including, the necessary parking on topography that is much more conducive to the clients serviced by said uses; and

WHEREAS, the Council of Montrose Borough has observed that the I-1 Industrial district has been underdeveloped; and

WHEREAS, the Council of Montrose Borough has determined that amending the Zoning Ordinance to meet the aforesaid objectives is in the best interest of those serviced by the aforementioned uses, the residents and taxpayers of the Montrose Borough, and the visitors to the Borough; 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 purposes 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);

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 R-1, Residential is amended to remove Group Homes from the Principal Permitted Uses category.

- B. Schedule of Uses R-1, Residential is amended to remove Assisted Living Facilities and Nursing Homes from the Conditional Uses category.
- C. Schedule of Uses X-1 Office, Institutional, Professional District is amended to remove Clinics and Nursing Homes in the Principal Permitted Uses category.
- D. Schedule of Uses X-1 Office, Institutional, Professional District is amended to remove Assisted Living Facilities and Multi-Family Dwellings in the Conditional Uses category.
- E. Schedule of Uses C-1 Commercial District is amended to remove Assisted Living Facilities, Clinics, Health Facilities, Nursing Homes, Personal Care Homes in the Principal Permitted Uses category.
- F. Schedule of Uses C-1 Commercial District is amended to remove Group Homes – Institutional, Group Quarters, Homeless Shelters, Multi-Family Dwellings in the Conditional Uses category.
- G. 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 _____, 2023.

Attest:

Alyssa Sprout Brace, Secretary
Montrose Borough

By: _____
Judy Kelly, Council President
Montrose Borough

Read and approved by me this ____ day of _____, 2023.

By: _____
Thomas Lamont, Mayor
Montrose Borough