

Bill No.: 2 of 2022
Introduced: February 15, 2022
By: Mayor Greg Lincoln
Enacted: April 19, 2022
Ordinance No.: 1563

CITY OF CONNELLSVILLE
FAYETTE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1492, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF CONNELLSVILLE, INCLUDING SECTION 2-104, PERMITTED USES AND USES BY SPECIAL EXCEPTION BY ZONING DISTRICT, TO ADD "CLINIC, MEDICAL" FROM A PERMITTED USE TO A USE BY SPECIAL EXCEPTION IN THE C-2, HIGHWAY COMMERCIAL ZONING DISTRICT, TO ADD "OFFICE, PROFESSIONAL" AS A PERMITTED USE IN THE C-1, DOWNTOWN COMMERCIAL, C-2, HIGHWAY COMMERCIAL, AND C-3, CORRIDOR COMMERCIAL ZONING DISTRICTS, AND TO REMOVE THE "OFFICE/CLINIC, MEDICAL" USE; SECTION 3-103 TO ADD PARKING AND LOADING REQUIREMENTS FOR "CLINIC, MEDICAL" AND "OFFICE, PROFESSIONAL" AND TO REMOVE PARKING AND LOADING REQUIREMENTS FOR "OFFICE/CLINIC, MEDICAL"; SECTION 11-100 TO ADD A DEFINITION FOR "CLINIC, MEDICAL," TO ADD A DEFINITION FOR "OFFICE, PROFESSIONAL," TO AMEND THE DEFINITION OF "OFFICE, BUSINESS," AND TO REMOVE THE DEFINITION FOR "OFFICE/CLINIC, MEDICAL"; AND ARTICLE VI TO ADD SPECIAL EXCEPTION REQUIREMENTS FOR "CLINIC, MEDICAL" USES; PROVIDING FOR SEVERABILITY; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Connellsville adopted comprehensive zoning ordinance revisions on August 8, 2012, pursuant to Ordinance No. 1492, which included comprehensive changes to the zoning ordinance of the City of Connellsville; and

WHEREAS, the purpose of this Ordinance is to promote, protect and facilitate the public health, safety, and general welfare of the residents of the City of Connellsville by: encouraging and facilitating the orderly, coordinated and practical development of the area; dividing the area into zones and districts regulating the location, construction, reconstruction, alteration and use of buildings and structures so as to preserve property values, protect the tax base, promote economy in government expenditures, and provide for variety and quality in land uses; promoting the distribution of population and utilization of land so that transportation, water, drainage, sanitation, educational and other public facilities and services can be provided effectively and efficiently; providing housing opportunities consistent with the area's population growth and housing demand, both present and future; protecting natural and historic features and resources; securing safety from fire, panic, flood and other dangers; providing for adequate light and air; and providing for the timely, equitable and efficient administration of the regulations established by this Ordinance and the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance of the City of Connellsville does not address important and meaningful distinctions between the operation of professional offices, business offices, and medical clinics, including, without limitation, the infrastructure needs; traffic volume; customer, client, and patient volume; and effects on nearby properties and surrounding neighborhoods of such uses; and

WHEREAS, the City of Connellsville adopted an updated comprehensive plan April 16, 2019, approximately seven years after the adoption of the Zoning Ordinance, which comprehensive plan incorporates additional recommendations, insights, and action items for improvement of the quality of life and development within the City of Connellsville;

WHEREAS, after due public notice and a public hearing as required by the Pennsylvania Municipalities Planning Code, the City Council of the City of Connellsville finds it appropriate to amend the Zoning Ordinance as hereinafter set forth.

Section 1. Purpose and Authority. This Ordinance is adopted by virtue of the authority granted to the City under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. The provisions of this Zoning Ordinance are designed:

A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; the provision of adequate light and air, access to police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural, or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment;

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;

C. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks; and

D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 2. Community Development Objectives. This ordinance shall implement the purpose set forth hereinabove, in the respects therein stated and more particularly with a view toward, inter alia, the following objectives:

A. Guiding and encouraging the future development of the City in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationships among the areas within the City, having regard to their suitability for various uses appropriate to each of them and their potentiality for such uses, as indicated by existing man-made conditions, and the trends in population, in the direction and manner of the use of land in building development and in economic activity, considering such conditions and trends both within the City and with respect to the relation of the City to surrounding areas.

B. Protecting the character and social and economic stability of each of such areas and encouraging their orderly and beneficial growth.

C. Reducing blight and spurring reinvestment in the existing building stock.

D. Requiring appropriate buffers and transitions between uses of greatly different intensity to protect property owners.

E. Protecting and conserving the value of land and buildings throughout the City appropriate to the various zoning districts established herein.

F. Bringing about through proper timing the gradual conformity of land use to the zoning ordinances and its purposes and objectives aforesaid, and minimizing conflicts among the uses of land and buildings.

G. Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the City and to avoidance of congestion in the streets and the provisions of safe and convenient access appropriate to the various land uses.

H. Aiding in providing a guide for public safety and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal and for private enterprise in building, development, investment and other economic activity relating to land use, insofar as such objectives are consistent with the purpose set forth herein and with the aforesaid minimum requirements therefor.

I. Innovation in building design and construction should be encouraged unless the new methods tend to produce inferior structures or have adverse effects on the community.

J. Substandard housing should be improved so as to meet acceptable contemporary standards of health and safety.

K. Necessary recreational and other public facilities should be provided on sites that are central to the areas they serve.

L. Efforts should be made to abate air and water pollution and to improve the general environment by reducing noise and visual pollution.

M. Planning policies and procedures should be administered with the intent of making every building or land development project a positive addition to the City and to the neighborhood in which it is located.

N. Facilitating administration and enforcement of the City’s land use regulations.

Section 3. Amendment of §2-104 of Zoning Ordinance. The zoning ordinances, as codified in Chapter 27 of the Codified Ordinance of the City of Connellsville, are hereby amended (with incorporations by reference where indicated), as follows:

§2-104. Permitted uses and uses by special exception by zoning district.
(Chapter §27-204)

A. Section 2-104 of the Zoning Ordinance is hereby amended to change Clinic, Medical to a use by special exception in the C-2, Highway Commercial, zoning district and to remove Clinic, Medical as a permitted use in the C-1, Downtown Commercial, and C-3, Corridor Commercial, zoning districts, as follows:

| NON-RESIDENTIAL USES | | | | | | | |
|----------------------|-----|-----|-----|-----|-----|---|---|
| | R-1 | R-2 | C-1 | C-2 | C-3 | M | I |
| Clinic, Medical | | | | SE | | | |

B. Section 2-104 of the Zoning Ordinance is hereby further amended to add Office, Professional as a permitted use in the C-1, Downtown Commercial, C-2, Highway Commercial, and C-3, Corridor Commercial, zoning districts as follows:

| NON-RESIDENTIAL USES | | | | | | | |
|----------------------|-----|-----|-----|-----|-----|---|---|
| | R-1 | R-2 | C-1 | C-2 | C-3 | M | I |
| Office, Professional | | | P | P | P | | |

C. Section 2-104 of the Zoning Ordinance is hereby further amended to remove all references to Office/Clinic, Medical.

Section 4. Amendment of §3-103 of Zoning Ordinance. The zoning ordinances, as codified in Chapter 27 of the Codified Ordinance of the City of Connellsville, are hereby amended (with incorporations by reference where indicated), as follows:

§3-103. Parking and Loading.
(Codified Ordinance §27-103)

A. Section 3-103 of the Zoning Ordinance is hereby amended to add Clinic, Medical requirements as follows:

| NON-RESIDENTIAL USES | |
|----------------------|---------------------------------------|
| Use | Minimum Off-Street Parking (# Spaces) |
| Clinic, Medical | 1 per 200 sf GFA |

B. Section 3-103 of the Zoning Ordinance is hereby further amended to add Office, Professional requirements as follows:

| NON-RESIDENTIAL USES | |
|-----------------------------|--|
| Use | Minimum Off-Street Parking (# Spaces) |
| Office, Professional | 1 per 200 sf GFA |

C. Section 3-103 of the Zoning Ordinance is hereby further amended to remove all references to Office/Clinic, Medical.

Section 5. Amendment of §11-100 of Zoning Ordinance. The zoning ordinances, as codified in Chapter 27 of the Codified Ordinance of the City of Connellsville, are hereby amended (with incorporations by reference where indicated), as follows:

§11-100. Definitions and word usage.
(Codified Ordinance §27-1101)

A. Section 11-100 of the Zoning Ordinance is hereby amended to add the definition of “Clinic, Medical” to read, in its entirety, as follows:

CLINIC, MEDICAL -- A building or part of a building where one (1) or more licensed medical professionals provide diagnostic health, medical, surgical, and/or psychiatric services and/or treatment to the general public on an outpatient basis, where patients are not provided with board or kept overnight or general pharmacy services, and which may include such uses as reception areas, offices, consultation rooms, and x-ray facilities, providing that all such uses have access only from the interior of the building. Medical clinics include urgent care clinics, methadone, suboxone, buprenorphine, and other medication assisted treatment, maintenance, or detoxification facilities and clinics, but do not include business offices and professional offices.

B. Section 11-100 of the Zoning Ordinance is hereby further amended to add the definition of “Office, Professional” to read, in its entirety, as follows:

OFFICE, PROFESSIONAL – A building or part of a building in which one (1) or more persons are employed in the provision of professional or consulting services in the fields of law, medicine, architecture, design, engineering, accounting, or similar professions as a individual or group practice. A professional office shall not include any other use defined in this zoning ordinance.

C. Section 11-100 of the Zoning Ordinance is hereby further amended to change the definition of “Office, Business” to read, in its entirety, as follows:

OFFICE, BUSINESS -- A building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of business/commerce and whose staffs/employees serve clients who seek advice and consultation regarding

business/commerce. A business office may include the administrative, corporate, or executive (but not professional) offices for profit, non-profit or charitable organizations. Business offices shall be classified as follows:

- a. LARGE – occupying more than 6,000 square feet of gross floor area.
- b. SMALL – occupying 6,000 square feet or less of gross floor area.

D. Section 11-100 of the Zoning Ordinance is hereby further amended to remove the definition of “Office/Clinic, Medical.”

Section 6. Amendment of Article VI of Zoning Ordinance. The zoning ordinance, as codified in Chapter 27 of the Codified Ordinance of the City of Connellsville, are hereby amended (with incorporations by reference where indicated), as follows:

Article VI. Uses by Special Exception.

Article VI of the Zoning Ordinance is hereby amended to add §6-134. Clinic, Medical, to read, in its entirety, as follows:

§6-134. Clinic, Medical/Medical Clinic.

(Codified Ordinance §27-635)

A medical clinic shall be a permitted special exception subject to the following conditions and/or standards:

A. A medical clinic shall not be established or operated within one thousand (1,000) feet of an existing school, public playground, public park, residence, child-care facility, hospital, nursing home, place of worship or place of assembly established prior to the proposed office or clinic unless, by majority vote, the Zoning Hearing Board votes in favor of the issuance of an occupancy permit or certificate of use. One (1) or more public hearings regarding the proposed facility location shall be held within the City following public notice.

B. A medical clinic shall not be established or operated within three hundred (300) feet of an existing bar, nightclub, private club or liquor store.

C. The landowner and/or developer of a medical clinic shall provide to the City a copy of all licenses for all medical professionals who will provide services within the clinic.

D. The owner(s) and operator(s) of a medical clinic shall have obtained all licensing or registrations from the Department of Health, the Department of Human Services, the Department of State, and/or other appropriate Commonwealth departments or agencies necessary to operate the clinic.

E. The owner(s) and operator(s) of a medical clinic shall provide to the City a copy of all licenses or registrations necessary to operate the clinic.

F. The medical clinic shall be staffed during all hours of operation by personnel licensed by the Pennsylvania Department of Health.

G. Hours of operation must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance, and interruption.

H. For any medical clinic where controlled substances will be kept or stored, the landowner and/or developer shall provide a security plan to establish that adequate security measures will be taken to protect the clinic and any controlled substances kept or stored therein.

I. The medical clinic shall have sufficient indoor space to accommodate all patients or clients of the clinic, without any patients or clients needing to wait or stay outside of the clinic.

J. The landowner and/or developer of a medical clinic shall complete a vehicular and pedestrian traffic impact and parking analysis to demonstrate that the City's roadway and network and sidewalk infrastructure will maintain an acceptable level of service and roadway and sidewalk capacity based upon the proposed development's or use's peak vehicular and pedestrian traffic volumes.

J. The owner(s) and operator(s) of a medical clinic shall be responsible for the conduct and safety of the patients and clients and shall be readily available to respond to inquiries and promptly resolve any issues caused by the employees, patients, customers, visitors, and guests.

K. The medical clinic shall be operated and conducted in a manner that does not violate any provision of this zoning ordinance or any other federal, state, or local statute, law, regulation, ordinance, and/or resolution.

L. Facilities and equipment to support overnight boarding shall not be permitted.

M. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

Section 7. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this Ordinance is hereby repealed to the extent of any such conflict on the effective date of this Ordinance.

Section 8. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 9. Effective Date. This Ordinance shall become effective ten (10) days after the date of its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Connellsville at a duly advertised public meeting held on the 19th day of April, 2022.

CITY OF CONNELLSVILLE

By: 

Gregory Lincoln
Mayor and President of Council

ATTEST: (SEAL)



Vernon Ohler
City Clerk