

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE BY THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA TO AMEND THE ZONING CODE AND ZONING MAP TO CHANGE A CERTAIN TRACT OF PROPERTY IDENTIFIED AS 1100 SHELLER AVENUE FROM LOW DENSITY RESIDENTIAL TO DISTRIBUTIVE COMMERCIAL HIGHWAY

Notice is hereby given that the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania (“the Borough”) will receive public comments at a hearing on Monday, February 13, 2023, at 7:00 PM in the Borough Hall Council Chambers, 100 South Second Street, First Floor, Utility Addition Building, (enter through the rear parking lot or at the Queen Street entrance) to consider an Ordinance to revise and amend Section 300 of the Code of the Borough of Chambersburg and the official Zoning Map for the Borough to consider a change of the boundaries of the Low Density Residential (“LDR”) Zone, as reflected as the ‘Proposed Rezoning’ area as 1100 Sheller Avenue on the Proposed Zoning Change Map, a copy of which will be incorporated by reference into any final Ordinance to approve the zoning change, by removing the said ‘Proposed Rezoning’ area from the LDR Zone and by adding it to the adjacent Distributive Commercial Highway (“DCH”) Zone, as reflected on the said Proposed Zoning Change Map, and all as set forth in the proposed Ordinance. Any person who needs an accommodation in order to gain access to participate in this meeting should call 717-261-3232 (TDD 261-3227) prior to the public hearing date.

Copies of the proposed Ordinance may be examined without charge in the Office of the Chambersburg Borough Secretary, First Floor, 100 South Second Street, Chambersburg, PA during normal business hours, which are Monday through Friday, 8:00 AM to 5:00 PM. A copy may also be viewed at the Offices of the Franklin County Law Library during normal business hours. The full text of Chapter 300 of the Code and the Zoning Map, can be examined at the Office of the Borough Secretary or on line at www.chambersburgpa.gov.

Jamia L. Wright, Borough Secretary

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA (“THE BOROUGH”), TO AMEND THE ZONING CODE AND ZONING MAP TO CHANGE A CERTAIN TRACT OF PROPERTY KNOWN AS PART OF 1110 SELLER AVENUE AND IDENTIFIED AS THE PROPOSED REZONING AREA FROM LOW DENSITY RESIDENTIAL TO DISTRIBUTIVE COMMERCIAL HIGHWAY

WHEREAS, the Borough has adopted a Zoning Code and Zoning Map, See Chapter 300 of the Code of the Borough of Chambersburg (“the Code”); and

WHEREAS, the Borough Code, 8 Pa. C.S. § 101 et seq., at Section 1202(5) authorizes a borough to make regulations as may be necessary for the health, morals, general welfare, cleanliness, convenience, comfort, and safety of the borough; and

WHEREAS, the Borough Code at Section 1202(21) empowers the Borough to plan for and regulate the development of the Borough by utilizing powers delegated by the Pennsylvania Municipalities Planning Code and other applicable laws by adopting zoning regulations; and

WHEREAS, the Town Council for the Borough of Chambersburg (the “Town Council”) is authorized to amend its Zoning Ordinance, codified at Chapter 300 of the Code, in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. § 10609; and

WHEREAS, the Borough has determined it to be in the best interests of the health, safety, and welfare of the residents of the Borough to make certain amendments to its Zoning Code and Zoning Map.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Town Council of the Borough, as follows:

SECTION 1: AMENDMENT OF CHAPTER 300 OF THE CODE AND THE ZONING MAP

Section 300 of the Code of the Borough of Chambersburg and the official Zoning Map for the Borough are hereby amended to change the boundaries of the Low Density Residential (“LDR”) Zone, as reflected as the ‘Proposed Rezoning’ area on the Proposed Zoning Change Map, copy attached and incorporated herein by reference, by removing the said ‘Proposed Rezoning’ area from the LDR Zone and by adding it to the adjacent Distributive Commercial Highway

("DCH") Zone, as reflected on the Proposed Zoning Change Map, copy attached and incorporated herein by reference.

The specific metes and bounds of the said 'Proposed Rezoning' area to be removed from the LDR Zone and added to the DCH Zone are legally defined as follows:

Beginning at a point at the SE corner of UPI 06-1F04-007A-000000 thence by the same N 19°-47'-58" E, 113.89' to a point, thence by the same, S 89°-59'-59" E, 20.02' to a point at the corner of UPI 06-1F04-008-000000, thence by the same, N 89°-51'-12" E, 122.64' to a point, thence S 71°-36'-52" E, 70.59' to a point at the SW corner of UPI 06-1F04-009-000000, thence by the same, N 76°-13'-30" E, 86.10 to a point at the SW corner of UPI 06-1F04-022-000000, thence by the same N 84°-26'-11" E, 72.37' to a point at the SW corner of UPI 06-1F04-024-000000, thence by the same N 84°-26'-11" E, 73.81' to a point along the lot line of UPI 06-1F04-014-000000, thence by the same S 24°-17'-49" E, 103.10' to a point at the SW corner of UPI 06-1F04-014-000000, where it intersects the western lot line of UPI 10-0D08-009-000000, thence by the same and the lot line of UPI 06-1E00-091-000000, S 35°-46'-38" W, 379.00' to a point at the corner of UPI 06-1E00-004A-000000; thence by the same, N 46°-30'-43" W, 86.63 to a point at the NW corner of UPI 06-1E00-004A-000000 and UPI 06-1E00-091-000000, thence crossing UPI 06-1E00-091-000000, N 46°-40'-35" W, 323.49' to a point at the place of beginning. Containing 124,576 sq. ft. or 2.791 acres. Being part of 1110 Sheller Avenue, Chambersburg, Franklin County, Pennsylvania. See the attached depiction, which is incorporated herein by reference.

The said 'Proposed Rezoning' area shall be included in the DCH Zone pursuant to this Ordinance following adoption of this Ordinance.

SECTION 2: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance and Chapter, which shall remain in full force and effect.

SECTION 3: REPEALER

All provisions of previous Ordinances of the Borough which are contrary to this Ordinance are expressly repealed only to the extent to which they are inconsistent with this Ordinance.

SECTION 4: SAVINGS CLAUSE

In all other respects, all ordinances, codes, resolutions, rules, and regulations of the Borough shall remain as previously adopted, approved, enacted, and ordained. It is declared as

the intent of the Borough that nothing in this Ordinance shall be interpreted as inconsistent with the law and/or discriminatory in nature.

SECTION 5: POLICE POWERS/IMMUNITY

The Borough, by granting any permit or taking any other action pursuant to this Ordinance, does not waive, reduce, lessen, or impair the lawful police powers vested in the Borough under applicable federal, state, and local laws and regulations. Nothing herein shall be construed to mean that the Borough intends to limit or waive any rights or immunities arising out of any applicable governmental immunity laws or statutes. This Ordinance, and the terms and provisions set forth herein, are intended solely for the purposes set forth herein, and are expressly not intended to provide any tort or contractual remedy to any third party beyond those provided by statutes and beyond those set forth herein.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this _____ day of _____, 2023.

ATTEST:

**TOWN COUNCIL OF THE
BOROUGH OF
CHAMBERSBURG:**

Cindy Harr, Assistant Borough Secretary

**Allen B. Coffman, President of Town
Council**

Kenneth Hock, Mayor

PROPOSED ZONING CHANGE BOROUGH OF CHAMBERSBURG

