

NOTICE

NOTICE IS HEREBY GIVEN that the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of the Ordinance summarized below, at the regularly scheduled Chambersburg Town Council Meeting on December 11, 2023 at 7:00 p.m. at the Borough Office, 100 South 2nd Street Chambersburg, Pennsylvania 17201. If enacted, the Ordinance will amend the Official Map of the Borough, which shows appropriate elements or portions of elements of the comprehensive plan of the Borough, as it relates to certain transportation corridors.

BOROUGH OF CHAMBERSBURG FRANKLIN COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE "OFFICAL MAP" OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, AS IT RELATES TO WALLINGTON BOULEVARD.

WHEREAS, the Pennsylvania Municipalities Planning Code (the "MPC"), 53 P.S. § 10101 *et seq.*, at Sections 401 and 402, 53 P.S. §§ 10401–10402, grants the governing body of each municipality the power to make, adopt, and amend an official map of all or a portion of the municipality which may show appropriate elements or portions of elements of the comprehensive plan adopted pursuant to Section 302 of the MPC, 53 P.S. § 10302, with regard to public lands and facilities; and

WHEREAS, the Town Council of the Borough of Chambersburg ("Town Council") adopted an official map (the "Official Map") for the Borough of Chambersburg (the "Borough") on August 25, 2014, as Ordinance No. 2014-05; and

WHEREAS, Town Council last amended the Official Map on November 13, 2017, by Ordinance No. 2017-09; and

WHEREAS, Town Council finds that the future construction of a secondary street within the 50-foot right-of-way extending from Walker Road, as depicted on Borough Plan RE-511, A Land Subdivision for Falling Spring Meadows, which was approved by Town Council on May 23, 1984 and recorded in Franklin County Deed Book 288C, Page 728, Parts I and II, is an important future transportation improvement and that it is therefore in the best interest of the Borough to add a new plaming project to the Official Map, to be identified as Proposal 17, "Wallington Boulevard"; and

WHEREAS, Town Council has determined it to be in the best interest and general welfare of the citizens and residents of the Borough to amend the Official Map.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. Ordinance Number 2014-05, as amended, adopting the Official Map for the Borough of Chambersburg, is hereby amended by:

a. Adding a new planning project identified as Proposal 17, "Wallington Boulevard" to provide secondary access from Walker Road to all adjoining properties.

SECTION 2. Pursuant to Article IV of the Pennsylvania Municipalities Planning Code, the Official Map Proposed Amendment attached hereto as Exhibit "A," which depicts the amendment described above in Section 1, is hereby added to the Official Map of the Borough of Chambersburg.

SECTION 3. 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 4. 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 5. Savings Clause. In all other respects, the Code of the Borough of Chambersburg and Ordinance Number 2014-05, as amended, shall be and remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED and APPROVED this __ day of _____, 2023.

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BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-___

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA (THE "BOROUGH"), TO AMEND THE ZONING MAP OF THE BOROUGH BY CHANGING A PORTION OF THE PROPERTY KNOWN AS 1260 STANLEY AVENUE EXTENDED FROM LOW DENSITY RESIDENTIAL TO DISTRIBUTED COMMERCIAL - HIGHWAY.

WHEREAS, the Borough has adopted a Zoning Ordinance and Zoning Map, as set forth in 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 the 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 (the "MPC"), 53 P.S. § 10101, *et seq.*, 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 Map, codified at Chapter 300 of the Code, in accordance with Section 609 of the MPC, 53 P.S. § 10609; and

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

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. The Chambersburg Zoning Map, as established in Section 300-9 of the Code, is hereby amended to change a portion of the property known as 1260 Stanley Avenue Extended from Low Density Residential ("LDR") Zone to Distributed Commercial - Highway ("DCH") Zone as depicted on the "Proposed Zoning Boundary Line" exhibit, attached hereto 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:

Being a certain parcel of land situated in the Borough of Chambersburg, Franklin County, Pennsylvania; being a part of the lands conveyed by Marilyn S. Leshner

Estate, by Melvin R. Leshar, Executor; Melvin R. Leshar, individually; Kenneth A. Leshar and Beverly A. Leshar, his wife; Ronald L. Bowman and Velma I. Bowman, his wife; Duane E. Leshar and Brenda S. Leshar, his wife; and Arlene K. Leshar to Melvin R. Leshar Et al. Partnership by a deed dated March 22, 2002 and recorded in the Franklin County Register and Recorders Office in Deed Book 1847 at Page 346.

Beginning for the same at a railroad spike found at the end of the third line of the lands conveyed to Melvin R. Leshar Et al. Partnership by a deed dated March 22, 2002 and recorded in Deed Book 1847 at Page 346, the said railroad spike being located on the Pennsylvania State Plane Coordinate System (South Zone) of the 2011 Adjustment of the North American Datum of 1983 at North 211,076.4994 and East 1,997,543.5631; thence running reversely with a portion of the said third line of Deed Book 1847 Page 346 along the lands of Pooja Mahi LLC

North 36°16'25" East 21.42 feet to an iron pipe found at the southwest corner of Tract 2 of the lands conveyed to Preowned Motorcars, LLC by a deed recorded as Franklin County Instrument #2022-18578; thence along the said lands conveyed to Preowned Motorcars, LLC

North 35°58'35" East 379.04 feet to a point at the southwest corner of the lands conveyed to Warren C. Heintzelman, Jr. and Suharsih R. Heintzelman by a deed recorded in Franklin County Deed Book 3063 at Page 213; thence along the said Heintzelman land

North 36°16'45" East 83.00 feet to a point; the said point being South 36°16'45" West 117.01 feet from an iron pin found at the southeast corner of the said Heintzelman land; thence crossing the lands conveyed to Melvin R. Leshar Et al. Partnership by a deed recorded in Deed Book 1847 at Page 346 the following two courses

South 53°43'15" East 104.87 feet to a point near a Sunoco pipeline; thence

North 55°42'23" East 285.07 feet to a point on the northwest right-of-way line of Interstate 81; being 110.00 feet distant and perpendicular to baseline station 764+50; thence running with the said northwest right-of-way lines of Interstate 81 the following eleven courses

South 29°01'47" West 50.00 feet to a point; thence

South 34°44'25" West 150.75 feet to a point; thence

South 29°01'47" West 50.00 feet to a point; thence

South 34°44'25" West 50.25 feet to a point; thence

South 23°19'08" West 50.25 feet to a point; thence

South 29°01'47" West 100.00 feet to a point; thence

South 23°19'08" West 50.25 feet to a point; thence

South 29°01'47" West 50.00 feet to a point; thence

South 34°44'25" West 100.50 feet to a point; thence

South 29°01'47" West 50.00 feet to a point being 130.00 feet distant and perpendicular to Interstate 81 baseline station 757+50; thence

South 34°44'25" West 68.60 feet to an iron pin found at the northeast corner of the aforesaid lands of Pooja Mahi LLC on the fourth line of the lands conveyed to Melvin R. Leshner Et al. Partnership by a deed recorded in Deed Book 1847 at Page 346; thence running reversely with a portion of the said fourth line of Deed Book 1847 Page 346 along the lands of Pooja Mahi, LLC

North 50°53'53" West 268.34 feet to an existing railroad spike; being the Point of Beginning.

The area contained by the foregoing description amounts to 136,580 square feet or 3.1354 acres of land, as surveyed by Dennis E. Black Engineering, Inc. on September 1, 2023.

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. Effective Date. This Ordinance shall take effect immediately.

[INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS.]

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

Allen B. Coffman
President of Town Council

ATTEST:

Jamia L. Wright
Secretary of Town Council

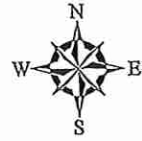
Kenneth Höck
Mayor

DRAFT

EXHIBIT

DRAFT

PROPOSED ZONING CHANGE BOROUGH OF CHAMBERSBURG



LEGEND

- Borough Boundary Line
- Zoning Boundary
- LDR - Low Density Residential
- MDR - Moderate Density Residential
- CC - Central Core
- DCH - Distributive Commercial Highway
- DCN - Distributive Commercial Neighborhood
- PO - Professional Office
- HI - Health Institutional
- HC - Health Care Service
- MM - Medium Manufacturing
- HM - Heavy Manufacturing
- Proposed Rezoning

