**ORDINANCE 2021-1372**

**AN ORDINANCE OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING THE MIDDLETOWN BOROUGH ZONING ORDINANCE TO REVISE CERTAIN OFF-STREET PARKING REQUIREMENTS.**

**WHEREAS,** the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq., as amended,* (“MPC”) authorizes the Borough of Middletown, Dauphin County, Pennsylvania (the “Borough”), to regulate zoning and land use in the Borough; and

**WHEREAS,** Part II, General Legislation, Chapter 260, Zoning, of the Code of Ordinances of the Borough of Middletown, *as amended*, (the “Zoning Ordinance”) regulates zoning and land use within the Borough consistent with the requirements of the MPC in order to maintain, preserve and protect the public health, safety and welfare; and

**WHEREAS,** Borough Council has met the procedural requirements of the MPC and of the Borough’s ordinances for the adoption of the proposed zoning ordinance text amendment, including notice, review, posting and holding a public hearing; and

**WHEREAS**, Borough Council, after due consideration at a duly advertised public hearing, finds that the existing off-street parking ratio requirement of 1.33 spaces for every dwelling unit with respect to the “Apartment Houses/Single-Family Attached,” the “Student Housing,” and the “Conversion Apartments” categories of Types of Uses does not reflect the current reality of the parking demands for such uses and is resulting in insufficient neighborhood parking in the areas of such uses, and that it is, therefore, appropriate to increase such requirement to 2 spaces for every such dwelling unit; and

**WHEREAS**, Borough Council, after due consideration of the proposed ordinance amendment at a duly advertised public hearing, has further determined that the health, safety, and general welfare of the residents of the Borough will be served by the proposed ordinance amendments.

***NOW, THEREFORE***, be it enacted and ordained by the Borough Council of Middletown, Dauphin County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: The portion of the off-street minimum parking spaces schedule in Part II, General Legislation, Chapter 260, Zoning, of the Code of Ordinances of the Borough of Middletown, *as amended,* Section 260-172, Facilities Required, for the “Apartment Houses/Single-Family Attached Dwellings,” the “Student Housing,” and the “Conversion Apartments” Types of Uses is hereby amended to change the off-street parking requirements to the following, with the remainder of the said schedule for other Types of Uses to continue unchanged:

**Type of Use Number of Parking Spaces Required**

Apartment Houses/Single-Family 2 for every dwelling unit

Attached Dwellings

Student Housing 2 for every dwelling unit

Conversion Apartments 2 for every dwelling unit

SECTION 2: SEVERABILITY. If a court of competent jurisdiction declares any provisions of this zoning ordinance amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this zoning ordinance amendment shall continue to be separately and fully effective.

SECTION 3: REPEALER. All provisions of Borough ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: ENACTMENT. This Ordinance shall take effect in accordance with applicable law. .

**BE IT DULY ORDAINED AND ENACTED** into law this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2021, by the Borough of Middletown, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST: **BOROUGH COUNCIL OF THE**

**BOROUGH OF MIDDLETOWN**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grace Miller Ian Reddinger

Borough Secretary Borough Council President

**AND NOW THIS \_\_\_\_\_** day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021, the foregoing Ordinance is approved.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

James H. Curry III

Mayor

I hereby certify the foregoing Ordinance was duly advertised in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the municipality’s governing body held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

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Grace Miller

Borough Secretary