

**MIDDLETOWN BOROUGH
DAUPHIN COUNTY, PENNSYLVANIA**

Ordinance 2021-1380

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA AMENDING THE MIDDLETOWN BOROUGH ZONING MAP BY AMENDING CHAPTER 260 (ZONING), SECTION 14 (ZONING MAP) AND THE ZONING MAP TO REZONE THE PARCEL IDENTIFIED AS DAUPHIN COUNTY PROPERTY IDENTIFICATION NOS. 42-032-001, WITH AN ADDRESS OF 453 CEDAR AVENUE, AND 42-032-010, WITH AN ADDRESS OF 447 EAST MAIN STREET, FROM THE R-1 RESIDENTIAL DISTRICT, SINGLE FAMILY, LOW DENSITY, TO THE C-1 COMMERCIAL DISTRICT, SHOPPING; TO PROVIDE DIRECTIVES TO THE BOROUGH ZONING OFFICER; TO PROVIDE FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCE PROVISIONS; TO PROVIDE FOR THE SEVERABILITY OF THE PROVISIONS THEREOF; AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the Borough Council of the Borough of Middletown previously duly enacted a zoning map as part of The Zoning Ordinance of the Borough of Middletown, Dauphin County, Pennsylvania ("Zoning Ordinance"), pursuant to its statutory authority under the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as amended (53 P.S. § 10101 et seq.); which Zoning Ordinance, including the Zoning Map, was codified as Chapter 260 of the Code of Ordinances of the Borough of Middletown;

WHEREAS, since its adoption, the Borough Council of the Borough of Middletown has from time to time amended the Zoning Map; and

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

WHEREAS, there are two properties that are entirely within the R-1 Residential District, Single Family, Low Density District, identified as Dauphin County Property Identification Nos. 42-032-001, with an address of 453 Cedar Avenue, and 42-032-010, with an address of 447 East Main Street (collectively, the "Properties").

WHEREAS, collectively, the Properties are located north of the centerline of East Main Street, east of the Middletown Catholic Cemetery at the parcel identified as Dauphin County Tax Parcel No. 42-032-009; southeast of the parcel identified as Dauphin County Tax Parcel Nos. 42-031-003, with an address of 501 Manor Drive; south of the parcels identified as Dauphin County Tax Parcel Nos. 42-031-004, with an address of 719 Manor Drive, and

42-032-017, with an address of 1358 Newberry Road; west of the parcels identified as Dauphin County Tax Parcel Nos. 42-032-006, with an address of 617 Adelia Street, 42-032-007, with an address of 613 Adelia Street, and 42-032-008, with an address of with an address of 611 Adelia Street; north of the center line of Cedar Avenue; and west of the parcel identified as Dauphin County Tax Parcel Nos.42-032-011, with an address of 471 East Main Street. Present zoning, reflected in the current Zoning Map, is attached hereto as Exhibit A; and

WHEREAS, it has been proposed that the Properties be rezoned from the R-1 Residential District, Single Family, Low Density to the C-1 Commercial District, Shopping as reflected in the proposed Zoning Map attached hereto as Exhibit B; and

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

NOW THEREFORE, it is hereby ordained by the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, that the Code of Ordinances of the Borough of Middletown, including the Zoning Map, is amended as follows:

Section 1: ZONING MAP CHANGE

The C-1 Commercial District, Shopping zoning district shall include the parcel identified as Dauphin County Property Identification No. 42-032-001, with an address of 453 Cedar Avenue, as depicted in Exhibit B. The zoning district shall be bounded and described as follows:

BEGINNING at a point on the northern right-of-way line of Cedar Avenue; said point being on the western terminus of Cedar Avenue and said point being the southwest corner of the herein described; thence going along lands of Grove Motors, Inc., North 11°36'18" East a distance of 123.50' to a point; thence going along lands of Richard A. & Lois Brandt the three following courses and distances; (1) South 78°23'35" East a distance of 139.80' to a point; (2) North 11°51'25" East a distance of 36.50' to a point; (3) South 78°24'06" East a distance of 50.04' to a point; thence going along lands of Hetrick, lands of Casey C. Meinsler, lands of Heim & Booser and lands of Constance G. Heim respectively, South 11°36'18" West a distance of 160.00' to a point on the northern right-of-way line of Cedar Avenue; thence going along said right-of-way line, North 78°23'42" West a distance of 190.00' to the point of BEGINNING.

The C-1 Commercial District, Shopping zoning district shall include the parcel identified as Dauphin County Property Identification No. 42-032-010, with an address of 447 East Main Street, as depicted in Exhibit B. The zoning district shall be bounded and described as follows:

BEGINNING at a point on the northern right-of-way line of E. Main Street (S.R. 0230), said point being the southeast corner of lands of Middletown Catholic Cemetery and the southwest corner of the herein described; thence going along said lands, North 08°09'25" West a distance of 310.20' to a rebar; thence going along lands of Eppinger and lands of

Metzler respectively, North 63°19'51" East a distance of 112.71' to a point; thence continuing along lands of Metzler, South 71°24'46" East a distance of 81.78' to a point; thence going along lands of Brandt, lands of Grove & Henry and along the west side of an unnamed 14' wide alley respectively, South 11°36'18" West a distance of 351.81' to a point on the northern right-of-way line of E. Main Street (S.R. 0230); thence going along said right-of-way line, North 78°23'42" West a distance of 64.78' to the point of BEGINNING.

Expanding the C-1 Commercial District, Shopping district, as described herein, will correspondingly decrease the R-1 Residential District, Single Family, Low Density district within the Borough.

Section 2. DIRECTIVES

The Borough Zoning Officer is directed to review the Zoning Map in accordance with this Ordinance, and to cause the Map to be updated to reflect such changes.

Section 3. REPEALER

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Other sections, parts and provisions of the Code of Ordinances of the Borough of Middletown that are not in conflict or inconsistent with this Zoning Ordinance Map Amendment shall remain in full force and effect as previously enacted and amended.

Section 4. REVISIONS

Borough Council of the Borough of Middletown does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its zoning map and ordinance, including this provision.

Section 5. SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on any portions of the Zoning Map.

Section 6. EFFECTIVE DATE

This Ordinance and Zoning Map Amendment shall take effect and be in force five (5) days after its enactment by the Borough Council of the Borough of Middletown as provided by law.

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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.

**BOROUGH COUNCIL OF THE
BOROUGH OF MIDDLETOWN**

BY: _____
Ian Reddinger
Borough Council President

ATTEST:

Grace Miller
Borough Secretary

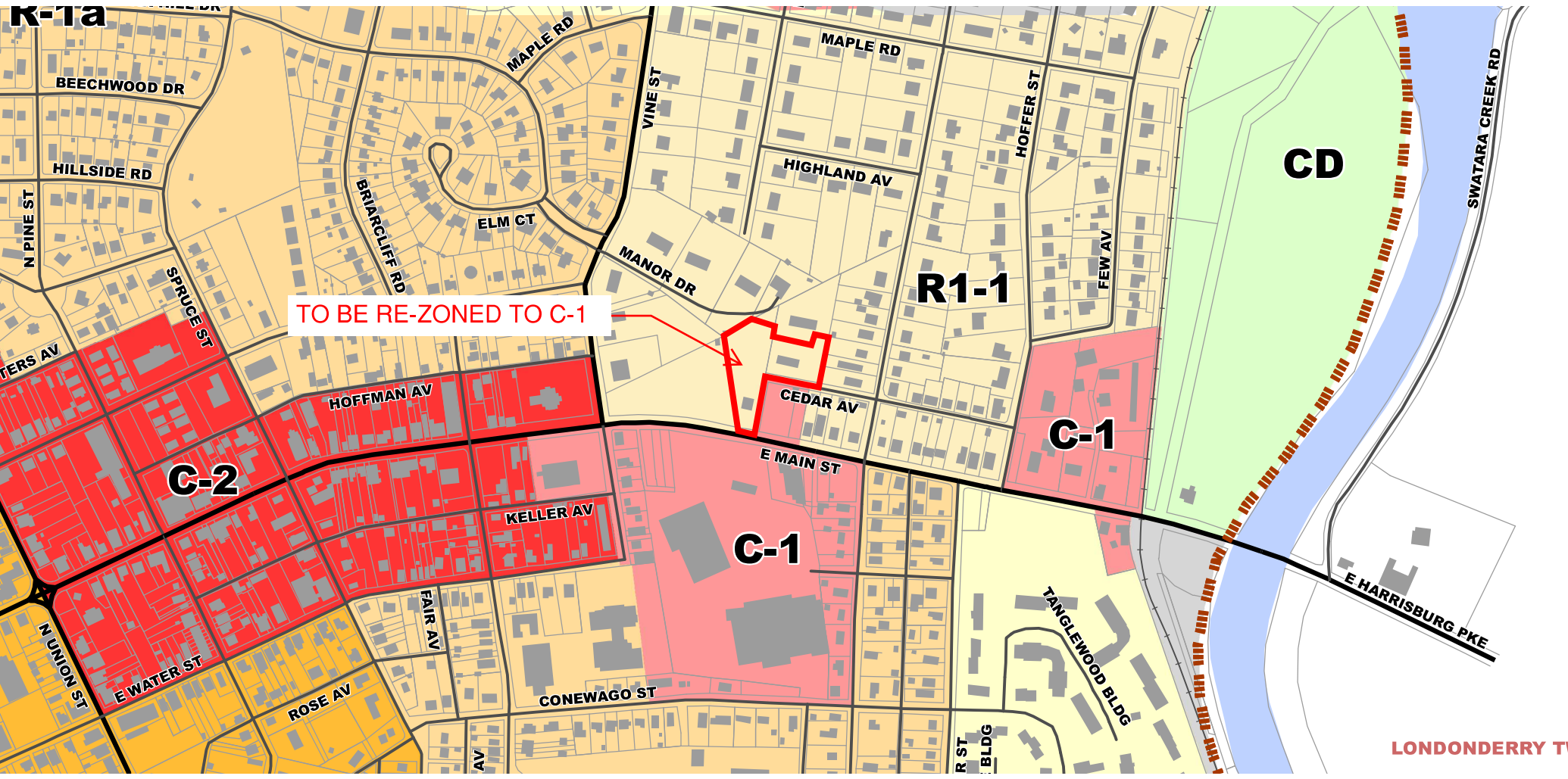
AND NOW THIS ____ day of _____, 2021, the foregoing Ordinance is approved.

James H. Curry III
Mayor

I hereby certify the foregoing Ordinance was advertised in the Patriot News on October 5 and October 12, 2021, 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 _____, 2021.

Grace Miller
Borough Secretary

EXHIBIT A



ZONING EXHIBIT



EXHIBIT B

ZONING EXHIBIT

