

DRAFT 1/8/18

BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY PENNSYLVANIA

ORDINANCE NUMBER 2018- _____

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHAMBERSBURG BY REVISING CHAPTER 300, SECTION 300-35.1 AND ADDING SECTION 300-138.3 RELATING TO SPECIAL EXCEPTION USES.

BE IT ORAINED BY THE BOROUGH OF CHAMBERSBURG AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. Legislative Findings. Whereas the Borough has determined it appropriate to expand the special exception uses permitted in the Distributed Commercial-Highway zoning district to include Category 4 Mini-Casinos, the following amendments to the Code of the Borough of Chambersburg is hereby adopted:

Section 2. CHAPTER 300, ARTICLE VI, Section 300-35.1 entitled Uses by special exception is hereby revised to add a new paragraph B. to read as follows:

B. Category 4 Mini-Casinos.

Section 3. CHAPTER 300, ARTICLE XXI entitled Special Exceptions is hereby revised to add Section 300-138.3 to read as follows:

Casinos may be granted a special exception by the Zoning Hearing Board provided the following criteria are met:

- A. A Category 4 Mini-Casino, and associated off-street parking area, is permitted as a special exception use in a Distributed Commercial Highway zoning district and must comply with all other applicable Code of the Borough of Chambersburg regulations.
- B. A Category 4 Mini-Casino can be located within 1,000 feet from the eastern municipal boundary of the Borough of Chambersburg as measured in a straight line from any lot line of the lot to accommodate the Category 4 Mini-Casino to the municipal boundary.
- C. A Category 4 Mini-Casino cannot be located within 500 feet from any Dwelling or Garden Apartment, as defined by the Zoning Code and occupied or being offered for rent or sale to be occupied as a Dwelling or Garden Apartment, as measured in a straight line from any lot line of the lot to accommodate the Category 4 Mini-Casino to any lot line of the closest Dwelling or Garden Apartment.

DRAFT 1/8/18

- D. A Category 4 Mini-Casino cannot be located within 500 feet from any church, as defined by the Zoning Code and occupied or being offered for rent or sale to be occupied as a church, as measured in a straight line from any lot line of the lot to accommodate the Category 4 Mini-Casino to any lot line of the closest church.
- E. A Category 4 Mini-Casino cannot be located within 500 feet from any public, parochial or private school or institution for higher education, as defined by the Zoning Code and occupied or being offered for rent or sale to be occupied as a public, parochial or private school or institution for higher education, as measured in a straight line from any lot line of the lot to accommodate the Category 4 Mini-Casino to any lot line of the closest public, parochial or private school or institution for higher education.
- F. A Category 4 Mini-Casino cannot be located within 500 feet from any public parks, playgrounds or municipal recreation areas, as defined by the Zoning Code, as measured in a straight line from any lot line of the lot to accommodate the Category 4 Mini-Casino to any lot line of the public park, playground or municipal recreation area.
- G. The Zoning Hearing Board may attach additional conditions (including, but not limited in any way to, traffic mitigation, lighting, screening and noise) to the granting of a special exception permit for a Category 4 Mini-Casino.

Section 4. SAVING CLAUSE. Nothing in this Ordinance shall be construed to affect any suit or proceedings in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby revised or otherwise affected by this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. SEVERABILITY. The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any remaining sections, clauses or sentences of the same.

Section 6. EFFECTIVE DATE: This ordinance shall take effect on the date next following the date approved by the Mayor.

DRAFT 1/8/18

ATTEST:

Secretary of Town Council

President of Town Council

APPROVED this _____ day of _____, 2018

Mayor

CERTIFICATION

I, Jamia Wright, Borough Secretary, hereby certify that the foregoing ordinance was advertised in The Public Opinion on _____, 2018, and _____, 2018, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of the council held _____, 2018.

Jamia Wright
Borough Secretary