

ORDINANCE 2002-03

AMENDING ORDINANCE NUMBER 2002-01 ENTITLED "THE BOROUGH OF CLARKS SUMMIT ZONING ORDINANCE" (BY MAKING THE FOLLOWING AMENDMENTS): (1) AMENDING THE BOROUGH OFFICIAL ZONING MAP BY CHANGING TWO AREAS OF LAND LOCATED ON OR NEAR U.S. ROUTES 6 & 11 AND KNAPP ROAD (A COMPLETED METES AND BOUNDS DESCRIPTION IS SET FORTH HEREIN) BEING TRACT I, CONSISTING OF 1,203 SQUARE FEET FROM R-1 (LOW DENSITY RESIDENTIAL DISTRICT) TO HC-1 (HIGHWAY COMMERCIAL DISTRICT – LIMITED) AND TRACT II, CONSISTING OF 830 SQUARE FEET FROM HC-1 (HIGHWAY COMMERCIAL DISTRICT – LIMITED) TO R-1 (LOW DENSITY RESIDENTIAL DISTRICT).

WHEREAS, the Borough of Clarks Summit is a duly ordained political subdivision (the "Borough"); and

WHEREAS, the Borough has duly enacted Zoning Ordinance No. 2002-01 (the "Zoning Ordinance"); and

WHEREAS, Richard F. Dixon and Catherine A. Dixon, husband and wife, (referred to herein as Dixon) and Gerard Kane and Joan Kane, husband and wife, have petitioned Clarks Summit Borough Council for a Curative Zoning Amendment and tendered this Curative Zoning Amendment therewith; and

WHEREAS, the Kane and Dixon have agreed to an exchange/subdivision as more particularly set forth on a plan of John K Seamans, Professional Engineer and Professional Land Surveyor, dated April 2, 2002, attached hereto and incorporated herein as Exhibit A; and

WHEREAS, pursuant to the proposed exchange and subdivision, the 1,102.42 square feet of Kane land would be rezoned HC1 from R1 and the 830.3 square feet of Dixon land would be rezoned R1 from HC1; and

WHEREAS, the aforesaid parcels of land to be rezoned will not exist as separate tracts, but will be added to the existing tracts of land of Kane and Dixon to be effected by an exchange; and

WHEREAS, from time to time the Zoning Ordinance may be amended; and

WHEREAS, for the public good and welfare, it is in the best interest of the Borough to once again amend the aforesaid Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Clarks Summit, and it is hereby enacted and ordained by the authority granted to Boroughs under the laws of the Commonwealth of Pennsylvania, as follows:

SECTION 1: It is the purpose of this Ordinance to protect and promote the public health, safety and welfare through regulation of lands within the geographical boundaries of the Borough.

SECTION 2: Set forth below are the amendments to the Zoning Ordinance:

Tract I consisting of 1,102.42 square feet being changed from Low Density Residential (R-1) District to Highway Commercial - Limited (HC-1) District, more particularly described on Exhibit B which is attached hereto and made a part hereof.

Tract II consisting of 830.30 square feet being changed from Highway Commercial (HC-1) District to Low Density Residential (R-1) District, more particularly described on Exhibit C which is attached hereto and made a part hereof.

SECTION 3: The Zoning Map of the Borough of Clarks Summit shall hereby be amended to reflect the rezoning of the above-described property.

SECTION 4: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the Borough of Clarks Summit that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 5: In all other respects, Ordinance Number 2002-03 of the Borough of Clarks Summit, as amended, shall remain in full force and effect.

Adopted at the July 2002 Borough Council Meeting conducted on Tuesday, July 2nd, 2002.

EDWARD M. BUSH, SR.
Borough Council President

APPROVED:

Approved this 2nd day of July 2002.

ANTHONY PERRY
Mayor

ATTEST:

Adopted at a regular Meeting of Borough Council conducted on Tuesday, July 2nd 2002.

JAMES G. VONES, SR.
Borough Manager/Secretary

SEAL

"Notation: The Zoning Map change with accompanying Curative Zoning Amendment are incorporated herein by reference and are on file in the Borough Manager's Office at 304 South State Street, 2nd Floor, Clarks Summit, PA 18411 and is available for public inspection without charge, or a copy may be obtained, daily in the Borough Building on any business day between the hours of 9 AM and 4 PM, unless otherwise modified or changed by the Borough."