OFFICIAL
TOWN OF McCANDLESS
ORDINANCE NO. 1548

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF McCANDLESS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING PART THIRTEEN, PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES AND ZONING DISTRICT MAP OF THE TOWN OF McCANDLESS TO REZONE PROPERTY LOCATED ON CUMBERLAND ROAD, IDENTIFIED AS ALLEGHENY COUNTY BLOCK AND LOT 827-P-339, FROM SPECIAL DISTRICT (SD) TO MODERATE DENSITY NEIGHBORHOOD (R-M) DISTRICT.

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. § §10101 et seq.("MPC") authorizes the Town of McCandless ("Town") to enact, amend, and repeal zoning, subdivision, and land development ordinances, to implement comprehensive plans within the Town, and to adopt an official zoning map establishing the zoning districts applicable to properties within the Town; and

WHEREAS, the Town on March 24, 1969, by Ordinance No. 519 enacted Article 13 of the Town Code of Ordinances, Planning and Zoning Code which regulated zoning, land development and subdivision within the Town; and

WHEREAS, the Town on June 26, 2023, by Ordinance No. 1540 amended Article 13 of the Town Code to repeal and replace the same in its entirety with a new Part 11, Subdivision and Land Development, and a new Part 13, Zoning Ordinance ("Zoning Ordinance") ; and

WHEREAS, Ordinance No. 1540 also adopted a new official Zoning Map for the Town of McCandless as authorized by the MPC and the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance authorizes the Town Council of the Town of McCandless ("Town Council") to amend the Zoning Map; and

WHEREAS, on December 4, 2023, Stefani Danes, Project Manager of the Rachel Carson EcoVillage ("Agent"), on behalf of the Sisters of Divine Providence ("Owner"), the equitable owners of property located at Cumberland Road, Allison Park, PA 15101, otherwise identified as Allegheny County Block and Lot Number 827-P-339, and as further depicted on the map attached hereto and incorporated herein as Exhibit "A", ("Subject Property"), submitted to the Town a Rezoning Concept Plan and supporting documentation, in order to request a change in the zoning district classification for the Subject Property from Special District (SD) to Moderate Density Neighborhood (R-M) District (the "Rezoning Request"); and

WHEREAS, the Rezoning Request has been reviewed by the Zoning Officer for adequacy of information furnished as required by Section 1301.230 of the Zoning Code; and

WHEREAS, the Rezoning Request has been reviewed by the Town Planning Commission at its regular meeting held on Wednesday January 3, 2024, which thereafter recommended its approval; and

WHEREAS, all public and personal notices have been mailed and posted as required by Section 117.06 of the Town Codified Ordinances pertaining to Class A Ordinances; and

WHEREAS, on February 26, 2024, Town Council did hold a public hearing on the Rezoning Request as required by Section 1301.290 of the Zoning Code; and

WHEREAS, based on the foregoing and in consideration of the nature of the property and the proposed use upon approval, the Town Council of the Town of McCandless has determined that approval of the Rezoning Request will further the health, safety and welfare of the residents of the Town; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of McCandless, Allegheny County, Pennsylvania, that:

Section 1. The Zoning Code is amended by revising the Zoning Map contained therein to change the zoning district designation of the Subject Property from Special District (SD) to Moderate Density Neighborhood (R-M) District.

Section 2. Severability.

If any of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 3. Repealer.

All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

ORDAINED AND ENACTED into law this 25th day of March 2024, to become effective ten (10) days after proper advertisement hereof.

ATTEST:

Secretary

TOWN COUNCIL
TOWN OF McCANDLESS

President