

**ORDINANCE NO. 2024-02**

**AN ORDINANCE OF THE TOWNSHIP OF DERRY, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 225, ZONING, OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF DERRY BY AMENDING THE OFFICIAL ZONING MAP – 1, BASE ZONING DISTRICTS, OFFICIAL ZONING MAP – 2, OVERLAYS, SECTION 225-315, MAP 17: ZONING DISTRICT – HERSHEY MIXED USE, SECTION 225-317, MAP 19: ZONING DISTRICT – INDUSTRIAL, AND FURTHER AMENDING THE OFFICIAL ZONING MAP OF THE TOWNSHIP OF DERRY AS ADOPTED AND INCORPORATED IN CHAPTER 225, ZONING, OF THE CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION OF DAUPHIN COUNTY TAX PARCEL NO. 24-008-025 FROM HERSHEY MIXED USE TO INDUSTRIAL, AND ADDING DAUPHIN COUNTY TAX PARCEL NOS. 24-008-024 AND 24-008-015 TO THE DOWNTOWN CORE 9.1 OVERLAY**

**WHEREAS**, the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, has the authority pursuant to The Second Class Township Code at 53 P.S. § 66506, the Pennsylvania Municipalities Planning Code at 53 P. S. § 10601, and Section 225-901 of Chapter 225, Zoning, of the Derry Township Code of Ordinances to enact and amend the Zoning Ordinance to advance the health, safety, and welfare of the citizens of Derry Township; and

**WHEREAS**, the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, has previously ordained and enacted an ordinance entitled, “The Official Zoning Ordinance of the Township of Derry”, which is found at Chapter 225 of the Code of Ordinances of Derry Township; and

**WHEREAS**, the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania desires to amend the Official Zoning Map of the Township of Derry, as adopted and incorporated at Article III of the Derry Township Zoning Ordinance, and at Sections 225-315, Map 17 and 225-317, Map 19 by rezoning the land identified as Dauphin County Tax Parcel Nos. 24-008-015, 24-008-024, and 24-008-025; and

**WHEREAS**, the Derry Township Planning Commission, the Dauphin County Planning Commission, and the Board of Supervisors of Derry Township have reviewed this proposed amendment to the Official Zoning Map of the Township of Derry; and

**WHEREAS**, the Board of Supervisors has duly provided public notice of the public hearing and notice of its intent to adopt this proposed amendment to the Official Zoning Map of the Township of Derry; and

**WHEREAS**, the Board of Supervisors held a public hearing pursuant to public notice on the proposed amendments to the Official Zoning Map of the Township of Derry as required by the Pennsylvania Municipalities Planning Code; and

**WHEREAS**, the Board of Supervisors has determined that the proposed amendment to the Official Zoning Map of Derry Township is in the best interests of Derry Township and its citizens and is consistent with the overall community objectives of the Derry Township Zoning Ordinance and the adopted Comprehensive Plan of Derry Township.

**NOW THEREFORE**, in consideration of the foregoing, it is hereby **ENACTED AND ORDAINED** by the authority of the Board of Supervisors of Derry Township that the Official Zoning Map and Zoning Ordinance of the Township of Derry is hereby amended as follows:

**SECTION 1:** The Official Zoning Map of Derry Township adopted and incorporated at Sections 225-201, 225-202, and 225-905 and Article III of the Derry Township Zoning Ordinance is hereby amended as set forth herein, such amendment being adopted and incorporated into the Derry Township Zoning Ordinance.

**SECTION 2:** Pursuant to Sections 225-201, 225-202, and 225-905 and Article III of the Derry Township Zoning Ordinance, the Official Zoning Map of the Township of Derry is hereby amended as follows:

- 1) By rezoning Dauphin County Tax Parcel No. 24-008-025, described in and depicted on the attached Exhibit “A”, being lands of Peter J. Davis, from Hershey Mixed Use to Industrial; and,
- 2) By rezoning Dauphin County Tax Parcel Nos. 24-008-015 and 24-008-024, described in and depicted on the attached Exhibit “B”, being lands of Tana Properties, LLC, to be included within the Downtown Core 9.1 (O9.1) Overlay Zoning District.

**SECTION 3:** Chapter 225, Zoning, of the Code of Ordinances of the Township of Derry is hereby amended by amending the ‘Official Zoning Map – 1, Base Zoning Districts, in Article III of Chapter 225 by changing the zoning classification of Dauphin County Tax Parcel No. 24-008-025 as described in and depicted on Exhibit “A” from Hershey Mixed Use to Industrial.

**SECTION 4:** Chapter 225, Zoning, of the Code of Ordinances of the Township of Derry is hereby amended by amending the ‘Official Zoning Map – 2, Overlays, in Article III of Chapter 225 by changing the zoning classification of Dauphin County Tax Parcel Nos. 24-008-015 and 24-008-024 as described in and depicted on Exhibit “B” to be included within the Downtown Core 9.1 (O9.1) Overlay Zoning District.

**SECTION 5:** Chapter 225, Article III, Zoning Districts and Overlays, §225-315, Hershey Mixed Use, Map 17, Zoning District – Hershey Mixed Use, of the Code of Ordinances of the Township of Derry is hereby amended by adding Dauphin County Tax Parcel Nos. 24-008-015 and 24-008-024, as described in and depicted on the attached Exhibit “B”, to the Downtown Core 9.1 Overlay Zoning District.

**SECTION 6:** Chapter 225, Article III, Zoning Districts and Overlays, §225-315, Hershey Mixed Use, Map 17, Zoning District – Hershey Mixed Use, of the Code of Ordinances of the Township of Derry is hereby amended by removing Dauphin County Tax Parcel No. 24-008-025 from the Hershey Mixed Use Zoning District as described in and depicted on the attached Exhibit “A”.

**SECTION 7:** Chapter 225, Article III, Zoning Districts and Overlays, §225-317, Industrial Use, Map 19, Zoning District – Industrial, of the Code of Ordinances of the Township of Derry is

hereby amended by adding Dauphin County Tax Parcel No. 24-008-025 to the Industrial Zoning District as described in and depicted on the attached Exhibit “A”.

**SECTION 8:** Chapter 225, Article IX, Amendments, §225-905, Zoning Map Amendments, of the Code of Ordinances of the Township of Derry is hereby amended by adding this amendment to the Official Zoning Map of the Township of Derry to the list of amendments to read as follows:

Ordinance Number	Adoption Date	Description
2024-02	<i>[insert adoption date]</i>	Amend the Official Zoning Map of the Township of Derry by rezoning Dauphin County Tax Parcel Nos. 24-008-015 and 24-008-024 to be included in the Downtown Core 9.1 Overlay, and rezoning Dauphin County Tax Parcel No. 24-008-025 from Hershey Mixed Use to Industrial.

**SECTION 9:** All provisions of the Derry Township Zoning Ordinance, as amended, and the Derry Township Official Zoning Map unaffected by this Ordinance are declared to be in full force and effect. The provisions of the Derry Township Zoning Ordinance, as amended, and the Derry Township Official Zoning Map inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

**SECTION 10:** Should any sentence, section, clause, part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part not declared to be invalid. The provisions of this Ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions not been included herein.

**SECTION 11:** This Ordinance shall become effective immediately upon its passage.

**ORDAINED AND ENACTED** into law by the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST

BOARD OF SUPERVISORS  
DERRY TOWNSHIP  
DAUPHIN COUNTY, PENNSYLVANIA

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

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

*(Seal)*

# EXHIBIT A



AREA TO BE REZONED FROM  
HERSHEY MIXED USE TO  
INDUSTRIAL

NORFOLK

OLD WEST CHOCOLATE AVENUE

SOUTHERN

RAILROAD

MILLARD AV

RAILROAD ST

24-009-045

24-029-006

24-008-015

24-008-029

24-008-037

24-008-045

24-008-024

24-008-025

24-008-023

24-008-022

24-033-001

24-033-046

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24-033-003

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