
INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. 18 -2020

RESOLUTION NO. -2020

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR ' S OFFICE ON:

/s/Tiffanie E. Baldock
Sr. Deputy City Solicitor

11/23/2020
Date

Requested by Department/Bureau: Mayor and City Council

Department/Bureau Contact Person: Mayor and City Council

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on

Received by: _____

Date: _____

BILL NO. ____ - 2020

Moved by: _____

An Ordinance amending Part 1 of Title 9, Streets and Sidewalks, and adding thereto Chapter 9-117, entitled, Street Vacations and providing standards therefore; requiring the submission of proposed land development plans or lot consolidations in conjunction with a petition to vacate a street; incorporating a public good proposal requirement for each petition; and in furtherance of the development of affordable housing, declaring the development of affordable housing associated with an application to vacate a street to be a qualifying public good.

WHEREAS, the City of Harrisburg (the “City”) recognizes that streets, alleys, and other public rights-of-way are valuable public resources; and

WHEREAS, the City recognizes the primary concern in street vacation decisions is to safeguard the public’s present and future needs and to act in the public’s best interest; and

WHEREAS, the Third Class City Code governs the City’s review of street vacation petitions and assigns authority of street vacation decisions to City Council; and

WHEREAS, the City desires to provide a street vacation process that promotes transparency, consistency, and predictability in determining if a street vacation is in the best interest of the City and expedient for the public good; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, AS FOLLOWS:

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Ch. 1-201.1.C PROVIDES "AMENDMENTS TO EXISTING LEGISLATION ARE TO BE UNDERLINED; DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO PROPOSED LEGISLATION WHICH AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED; DELETIONS SHALL BE INDICATED BY STRIKING (-)." "

SECTION 1. AMENDMENT AS TO PUBLIC WORKS.

Part 1 of Title 9 of the Codified Ordinances of the City of Harrisburg is hereby amended as follows:

“Part 1 (9-100), Streets and Sidewalks

CHAPTER 9-117
STREET VACATIONS

§ 9-117.1. Title.

This Chapter of the Codified Ordinances for the City of Harrisburg shall be known and may be cited as Street Vacations.

§ 9-117.2. Presentment to City Council.

A petition must be presented to City Council for the vacating of any street.

§ 9-117.3. Majority of Property Owners Required.

A petition made pursuant to this Chapter shall be:

- A. Signed by a majority, in number and interest, of the owners of property abutting on the line of the proposed vacation as fixed at the time of presentation of the petition.
- B. Verified by affidavit of one or more of the petitioners.
- C. For the purposes of this Chapter the majority in interest of owners of undivided interests in any piece of property shall be deemed as one person for the purposes of the petition.

61 § 9-117.4. Minimum Standards.

62 A petition for a street vacation shall include, at a minimum, the following information:

63 A. Site Information that must include:

64 1. Identification of the right-of-way proposed for vacation.

65 2. A survey and legal description.

66 3. Site map.

67 B. Project Information must include the location and description of any development
68 proposed for the site, including preliminary land development plans.

69 C. A comparison of development of the site with and without a street vacation.

70 D. Transportation Information that must include:

71 1. Current use and design of the street.

72 2. Designation of the street, including street type, if any.

73 3. Analysis on the transportation impacts of any loss of street, including
74 impacts to transit, pedestrian, and bicycle circulation and access.

75 E. Utilities that must include:

76 1. Identification of any utilities above or below the street.

77 2. Written confirmation from the owner of any such utilities that they do not
78 oppose the street vacation.

79 F. Community Engagement Plan that must report on all community engagement
80 related to the petition.

81 G. A commitment to provide a permanent or long-term public benefit or public good
82 that will warrant vacating the street.

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84 § 9-117.5. Street Vacation Analysis.

85 The following criteria will apply when determining whether to grant or deny any petition for
86 street vacation.

87 A. Impact to Utility Infrastructure.

88 B. Impact to Adjacent Properties.

89 C. Impact to Traffic Circulation, including but not limited to vehicular, pedestrian,
90 bicycle, and other modes of transportation.

91 D. Impact to Parking.

92 E. Consistency with the City’s transportation and land use plans and goals.

93 F. A finding that a public good or benefit shall be achieved by granting the petition
94 for street vacation.

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96 § 9-117.6. Public Good or Benefit.

97 A. A Petitioner who requests a street vacation shall provide a proposal that details
98 what public benefit or public good shall be accomplished in relation to the
99 Petition, including a detailed description of the public benefit or public good to be
100 achieved, a cost estimate or budget for the proposal, a timeline of implementation
101 and other information that may be requested by the City.

102 B. When determining whether the elements of a proposal demonstrates a
103 commitment to provide a public benefit or serve a public good, the inclusion of
104 any of the following elements will be deemed to satisfy the requirements of
105 Section 9-117.5.F:

106 1. Spaces that support City goals for social equity, such as on-site affordable
107 housing.

108 2. Creating or enhancing publicly-accessible plazas, open spaces, or other
109 green spaces.

110 3. Streetscape enhancements beyond that required by codes such as widened
111 sidewalks, stairways, additional street trees or landscaping, street furniture, or
112 pedestrian lighting.

113 4. Enhancing the pedestrian or bicycle environment.

114 5. Pedestrian trails, accessible public routes such as elevators and ramps
115 providing access through the site.

116 6. Preserving landmark buildings or other community resources.

117 7. Improved traffic safety by reducing turn-conflicts.

118 8. Managing urban stormwater and reducing combined sewer overflows.

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120 C. The foregoing options for achieving a public benefit or serving a public good in
121 the course of implementing a plan relating to a petition for a street vacation are
122 not intended to be exhaustive or the exclusive options to be included in a proposal
123 required under this Chapter.

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125 § 9-117.7. Mandatory Submission and Recording of Quit Claim Deeds and Lot Consolidation
126 Plans.

127 The approval of any petition for street vacation shall be deemed conditioned upon the full
128 execution and filing of any quit claim deeds and the proposed lot consolidation plan with
129 Dauphin County, which must include the vacated street as part of the consolidated lot being
130 recorded. Proof of recordation must be provided to the City.

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132 § 9-117.8. Official Forms and Instructions.

133 The City shall create and provide the official forms and related written instruction for any
134 applicant to complete and submit as a Petition For Approval of A Street Vacation under this
135 Chapter.

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137 § 9-117.9 Related Provisions and Restrictions.

138 Nothing in this legislation is intended to alter, diminish or impede the City Council's exercise of
139 their authority or discretion to grant or deny a petition to vacate a street or to open, alter or vacate
140 any street in the interest of the City, as provided under Chapter 129 of the Third Class City Code,
141 11 Pa. C. S. §10101, et seq. and as otherwise provided by law. Nothing in this legislation is
142 intended to waive or diminish a petitioner's obligation to provide requisite notices to abutting
143 property owners in accordance with Chapter 129.

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145 **SECTION 2.** DELEGATION. Appropriate City officials are authorized to take such actions as
146 are necessary to effectuate this ordinance, including but not limited to, the implementation of
147 rules and regulations to carry out the purpose of this ordinance.

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149 **SECTION 3.** SEVERABILITY. If any provision, sentence, clause, section or part of this
150 ordinance or the application thereof to any person or circumstance is for any reason found to be
151 unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality,
152 illegality or invalidity shall not affect or impair any of the remaining provisions, sentences,
153 clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of
154 the City of Harrisburg that this ordinance would have been adopted had such unconstitutional,
155 illegal or invalid provision, sentence, clause, section or part not been included herein.

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157 **SECTION 4.** REPEALER. All ordinances or provisions of ordinances in conflict with the
158 provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

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160 **SECTION 5.** EFFECTIVE DATE. This ordinance shall take effect in accordance with the law.

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162 Seconded by: _____

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164 Passed by Council: _____

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166 Signed by the Mayor: _____

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