

**TOWNSHIP OF LOWER SWATARA,
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 628

AN ORDINANCE OF THE TOWNSHIP OF LOWER SWATARA, DAUPHIN COUNTY, PENNSYLVANIA AMENDING AND RESTATING THE LOWER SWATARA TOWNSHIP ZONING ORDINANCE, TO MODIFY THE HEIGHT REQUIREMENTS OF THE DESIGN CRITERIA APPLICABLE TO RESIDENTIAL RETIREMENT FACILITIES.

WHEREAS, Section 27-2002.27.1.(4)(a) of the Township of Lower Swatara Zoning Ordinance (the "Zoning Ordinance"), limits the maximum height of the types of development that are allowed as residential retirement facilities in the Commercial Neighborhood District described in part 14 of the Zoning Ordinance (the "C-N District").

WHEREAS, limiting the height of the types of development that are allowed as residential retirement facilities in the C-N District impedes the objectives of the C-N District as such limitations promote the construction of tall buildings with flat roofs thereby giving the C-N District more of a commercial character as opposed to a residential character.

WHEREAS, the allowance of multifamily apartment buildings comprised of independent retirement living units with unhabitable areas in excess of forty (40) feet in height will serve to further the goals of C-N District as the incorporation of higher buildings with sloped roofs in the C-N District will allow for a greater variety of residential facilities to be constructed, while also maintaining the limitations on the number of residences in such facilities.

WHEREAS, permitting the taller multifamily apartment building residential retirement facilities within the C-N District to have sloped roofs, promotes safety as rain and snow can more easily and naturally slide off sloped roofs thereby reducing the risks and concerns related to leaks, water damage, and snow loads and helps mitigate costs for residents as the unused sloped roof space at the top of such buildings makes such structures more energy efficient by improving ventilation and insulation and the design of sloped roofs inherently supports drainage reducing maintenance costs and risks associated with water damage and mold.

WHEREAS, the Board of Commissioners of the Township of Lower Swatara, Dauphin County, Pennsylvania (the "Board of Commissioners") desires to amend and restate 27-2002.27.1.(4)(a) of the Zoning Ordinance, as set forth herein, to incorporate provisions allowing multifamily apartment buildings comprised of independent retirement living units in excess of forty (40) feet in height within the C-N District as to further the fulfillment of the purposes of the C-N District.

NOW, THEREFORE, the following amendment to and restatement of the Zoning Ordinance are hereby ordained and enacted by the Board of Commissioners:

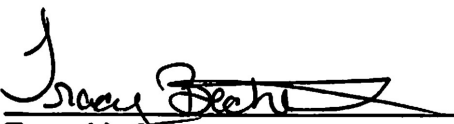
1. **Amendment of §27-2002.27.I.(4)(a).** Section 27-2002.27.I.(4)(a) of the Zoning Ordinance is amended and restated as follows:

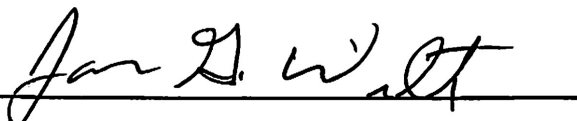
- a) Except as otherwise provided herein, the maximum height of any structure shall be no more than 40 feet measured from the average level of the grade at the building perimeter to the average height between the eaves and the ridge of the roof; provided, however, the maximum height of any multifamily apartment building shall be no more than 45 feet measured from the average level of the grade at the building perimeter to the average height between the eaves and the ridge of the roof, but with the ceiling of all habitable building areas of such multifamily apartment building not to exceed a maximum height of 40 feet as measured from the average level of the grade at the building perimeter to the average height of the top of the ceiling of the habitable building areas.
2. **Effective Date.** This Ordinance shall become effective five (5) days following passage of it by the Board of Commissioners as provided by law.
3. **Repealer.** All ordinances or parts of ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.
4. **Effective.** All other sections, parts and provisions of the Zoning Ordinances shall remain in full force and effect, as previously enacted and amended.
5. **Severability.** In the event any provision, section, sentence, clause or part of this amendment to and restatement of Zoning Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this amendment to and restatement of the Zoning Ordinance, it being the intent of the Board of Commissioners that such remainder of this amendment to and restatement of the Zoning Ordinance shall be and shall remain in full force and effect.

ENACTED AND ORDAINED, by the Board of Commissioners of the Township of Lower Swatara, Dauphin County, Pennsylvania this 17th day of June 2026.

ATTEST:

**THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF LOWER SWATARA**


Township Secretary

By: 

Name: Jon G. Wilt

Title: President