

ORDINANCE NO. 2022 – 02

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2017-7,
MODIFYING THE CODE OF ORDINANCES OF
SWATARA TOWNSHIP, CHAPTER 295, ZONING, ARTICLE III,
USE REGULATIONS AND ARTICLE IV, ADDITIONAL REGULATIONS**

WHEREAS, the Swatara Township Board of Commissioners enacted Ordinance 2017-7, which Ordinance, the Board of Commissioners now believes, effectuates incompatible zoning uses with adjacent properties and is, therefore, ineffective for the purposes intended; and

WHEREAS, the Swatara Township Board of Commissioners has decided that the most efficacious manner to resolve this zoning inconsistency is to repeal the existing Ordinance and replace it with the Ordinance set forth below,

NOW THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Board of Commissioners of Swatara Township, County of Dauphin, Commonwealth of Pennsylvania, as follows, to wit:

SECTION 1. Chapter 295, “Zoning”, Article III Use Regulations is amended as follows:

§295-28.H. Use Regulations (table). Warehousing or storage as a principal use in the C-G and C-H District shall be designated with an “N” (Not Permitted use), and the “C” (Conditional use), shall be deleted.

SECTION 2. Chapter 295, “Zoning”, Article IV, Additional Requirements for Specific Uses:

§295-94.1 Warehouses or Storage. shall be deleted in its entirety.

SECTION 3. Severability. It is hereby declared to be the legislative intent of the Board of Commissioners of Swatara Township that if a Court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective; and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Commissioners hereby declares that would have passed this Ordinance and any section or part thereof, other than any part declared invalid if it had advanced knowledge that any part would be declared invalid.

SECTION 4. Procedural Defects and Enactment. Allegations that this Ordinance or any amendment thereof was enacted in a procedurally defective manner shall be appealed as provided pursuant to Pennsylvania law.


SECTION 5. Repealer. The pre-existing Swatara Township Zoning Ordinance, as amended, is hereby repealed only insofar as that Ordinance is clearly in direct conflict with this Ordinance.


SECTION 6. Codification. This Ordinance shall be codified in the Codified Ordinances of Swatara Township, Dauphin County, Pennsylvania, and shall amend such codification as necessary to Codify this Ordinance, including the amendment of Chapter 295, Zoning.

SECTION 7. Enactment and Effective Date. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Commissioners of the Township of Swatara hereby enacts and ordains this Ordinance to become effective immediately upon its adoption.

ADOPTED this 16 day of APRIL, 2022.

ATTEST:


Secretary


Christine Zubeck, President
Board of Commissioners of Swatara Township