

**SWATARA TOWNSHIP BOARD OF COMMISSIONERS  
DAUPHIN COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SWATARA TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 253 OF THE SWATARA TOWNSHIP CODE OF ORDINANCES, ENTITLED “SUBDIVISION AND LAND DEVELOPMENT”, TO: (1) ADD AND AMEND VARIOUS DEFINITIONS SET FORTH IN SECTION 253-7 OF THE CODE; (2) AMEND PROVISIONS OF THE CODE REGULATING PLAT SPECIFICATIONS AND PROCESSING; (3) AMENDING PROVISIONS OF THE CODE REGULATING DESIGN STANDARDS; AND (4) AMEND PROVISIONS OF THE CODE REGULATING IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS FOR SUBDIVISION AND LAND DEVELOPMENT WITHIN THE TOWNSHIP AND FURTHER AMENDING CHAPTER 295 OF THE SWATARA TOWNSHIP CODE OF ORDINANCES, ENTITLED “ZONING”, TO: (1) ADD AND AMEND VARIOUS DEFINITIONS SET FORTH IN SECTION 295-22 OF THE CODE; (2) TO ADD AND AMEND USE CRITERIA FOR CERTAIN SPECIFIC USES; (3) TO AMEND THE TABLE OF SIGNS TO ADD CERTAIN TYPES OF SIGNS AND PROVIDE REGULATIONS FOR SUCH SIGNAGE; (4) TO AMEND CHAPTER 295 OF THE CODE TO ADD A NEW SECTION 295-74.1 TO BE ENTITLED “NIGHT CLUBS OR DANCE HALLS” AND SET FORTH ADDITIONAL REGULATIONS FOR SUCH USE; (5) TO AMEND CHAPTER 295 OF THE CODE, BY ADDING A NEW SECTION 295-85.1 TO BE ENTITLED “SHORT-TERM RENTAL, NON-OWNER OCCUPIED” AND SET FORTH ADDITIONAL REGULATIONS FOR SUCH USE; AND (6) TO AMEND CHAPTER 295 OF THE CODE, BY ADDING A NEW SUBSECTION 295-96.D(9.1) TO BE ENTITLED “HOMESTAY/SHORT-TERM RENTAL, OWNER OCCUPIED AS ACCESSORY TO AN EXISTING DWELLING UNIT” AND SET FORTH ADDITIONAL REGULATIONS FOR SUCH USE.**

**WHEREAS**, Section 501 of the Pennsylvania Municipalities Planning Code (the “MPC”), 53 P.S. § 10501, authorizes Swatara Township (the “Township”) to regulate subdivisions and land development within the Township by enacting a subdivision and land development ordinance; and

**WHEREAS**, the Township has enacted a subdivision and land development ordinance (the “SALDO”) which is found at Chapter 253 of the Swatara Township Code of Ordinances (the “Code”); and

**WHEREAS**, Board of Commissioners of Swatara Township deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend the SALDO to amend provisions of the Code to add and amend various definitions set forth in Section 253-7 of the Code

and to amend regulations regulating plat specifications and processing, design standards, and improvements and construction requirements for subdivision and land development within the Township; and

**WHEREAS**, the Swatara Township Board of Commissioners (the “Commissioners”) is authorized to amend the Zoning Ordinance in accordance with §609 of the Municipalities Planning Code (53 P.S. § 10101, et seq.); and

**WHEREAS**, the Commissioners have determined that it is in the best interest and general welfare of the citizens and residents of Swatara Township to amend provisions of the Zoning Ordinance as set forth below.

**NOW THEREFORE BE IT ENACTED AND ORDAINED** by the Board of Commissioners of Swatara Township, Dauphin County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION 1.** The above recitals are incorporated herein by reference.

**SECTION 2.** Section 253-7 of the Code, entitled “Terms defined”, is hereby amended to add the following additional terms and their definitions to read as follows:

**RECREATION, ACTIVE**

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION, PASSIVE**

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

**RECREATION AREA, ACTIVE**

Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples shall include, but are not limited to, athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

**RECREATION AREA, PASSIVE**

Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples shall include, but not be limited to, scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

**SECTION 3.** Section 253-7 of the Code, entitled “Terms defined”, is hereby amended to amend the general definition of the term “Street” to read as follows:

## **STREET**

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, access drive, driveway or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**SECTION 4.** Section 253-10 of the Code, entitled “Minor subdivision and land development application” is hereby amended by amending subsection 253-10.A to read as follows:

- A. Where six or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot, provided such a proposal is on an existing street and no new streets are involved, the applicant shall submit a final plat as follows:

**SECTION 5.** Section 253-10 of the Code, entitled “Minor subdivision and land development application”, is hereby amended by amending subsection 253-10.A(1) to read as follows:

- (1) The final plat shall be submitted and processed as required by § 253-13 and § 253-14, Final plat procedure, and contain the following data and plat specifications:

**SECTION 6.** Section 253-10 of the Code, entitled “Minor subdivision and land development application”, is hereby amended by amending subsection 253-10.A(1)(b) to read as follows:

- (b) Three copies, one copy in a PDF or similar compatible electronic file, of the plat prepared by a registered surveyor or engineer on sheets clearly labeled "FINAL PLAT" shall be submitted containing the following information:

**SECTION 7.** Section 253-10 of the Code, entitled “Minor subdivision and land development application”, is hereby amended by amending subsection 253-10.A(1)(b)[5] to read as follows:

- [5] A separate drawing of the proposed lot (standard scale of one inch equals 100 feet shall be optional) with lot area, lot number, lot dimensions, bearings and distances of lot lines, existing street right-of-way and street name and number, building setback lines and contours, with a five-foot interval;

**SECTION 8.** Section 253-11 of the Code, entitled “Preliminary plat procedure”, is hereby amended by amending subsection 253-11.A(1) to read as follows:

- A. The applicant, 15 working days prior to the meeting of the Commission at which consideration is desired, shall file with the Township Zoning Officer three copies of a preliminary plat of the proposed subdivision or land development and other required data and maps. The applicant shall submit concurrently, with the preliminary plat, copies of the sewage "Plan Revision Module for Land Development."

**SECTION 9.** Section 253-12 of the Code, entitled “Preliminary plat specifications”, is hereby amended by amending subsection 253-12.A(1) to read as follows:

- (1) Three copies of a map or series of maps or sheets drawn to scale not smaller than 100 feet to the inch, unless otherwise specified herein, clearly labeled "PRELIMINARY PLAT," and showing the following:

**SECTION 10.** Section 253-13 of the Code, entitled “Final plat procedure”, is hereby amended by amending subsection 253-13.A to read as follows:

- A. The applicant shall, not later than 12 months after the date of approval of the preliminary plat, for that portion he intends to develop, file with the Township's Zoning Officer a final plat. Such filing shall include as part of the formal submission all the material and other data required under the final plat specifications as listed in § 253-14A(1) through (19) of this chapter. Failure to comply with the time limitation herein provided shall make the approval of the preliminary plat null and void unless an extension of time is granted in the same manner as extension is provided for in § 253-11J.

**SECTION 11.** Section 253-13 of the Code, entitled “Final plat procedure”, is hereby amended by amending subsection 253-13.C to read as follows:

- C. One copy in a PDF or similar compatible electronic file of the final plat and five prints shall be filed by the applicant with the Township's Zoning Officer 15 days prior to the meeting of the Planning Commission at which meeting consideration is desired.

**SECTION 12.** Section 253-14 of the Code, entitled “Final plat specifications”, is hereby amended by amending subsection 253-14.A to read as follows:

- A. Three copies and one copy in a PDF or similar compatible electronic file of the final plat in the form of a map or series of maps on sheets drawn to scale not smaller than 100 feet to the inch and clearly labeled "FINAL PLAT." When more than one sheet is required, an index sheet of the entire subdivision or land development shall be shown on a sheet of the same size. The final plat shall be drawn in ink and shall show the following:

**SECTION 13.** Section 253-24 of the Code, entitled “Recreation and open space”, is hereby amended by amending subsection 253-24.B(3) to read as follows:

- (3) Fifty percent (50%) of the land required under this section must meet the definition of Active Recreation and fifty percent (50%) of the land required under this section must meet the definition of Passive Recreation. A maximum of 25% of the total land area required by this section to be provided for Passive Recreation may consist of floodplain areas.

**SECTION 14.** Section 253-24 of the Code, entitled “Recreation and open space”, is hereby amended by amending subsection 253-24.D(3) to read as follows:

3. Size and shape for the site or sites should be suitable for development as a particular type of active recreation area. Sites will be categorized by the Township using the standards established by the National Recreation and Parks Association (Publication No. 1005, as revised).

**SECTION 15.** Section 253-32 of the Code, entitled “Sidewalks, pedestrian walkways, and bicycle paths”, is hereby amended by amending subsection 253-32.A(4)(b) to read as follows:

- (b) The fee shall be determined by a cost estimate first prepared by the applicant and then reviewed and approved by the Township Engineer.

**SECTION 16.** Section 295-22 of the Code, entitled “Definitions”, is hereby amended to add the term “Dwelling, Multi-Family” under the term “Dwelling Types” by adding a subsection (2) to subsection B, entitled “Apartments”, which shall be read as follows:

**(2) DWELLING, MULTI-FAMILY**

A building designed, occupied or used by three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

**SECTION 17.** Section 295-22 of the Code, entitled “Definitions”, is hereby amended to amend the definition of the term “Home Occupation” to read as follows:

**HOME OCCUPATION**

A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the home occupation requirements of § 295-96. A "minor home occupation" shall be a home occupation that meets the additional requirements for a minor home occupation stated in § 295-96. A "major home occupation" shall be a home occupation that does not meet the requirements for a minor home occupation. (NOTE: In most cases, in a residential district under § 295-28, a minor home occupation is permitted by right, while a major home occupation typically needs special exception approval from the Zoning Hearing Board.)

**SECTION 18.** Section 295-22 of the Code, entitled “Definitions”, is hereby amended to amend the definition of the term “Retail Store” to read as follows:

**RETAIL STORE**

A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore,

manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

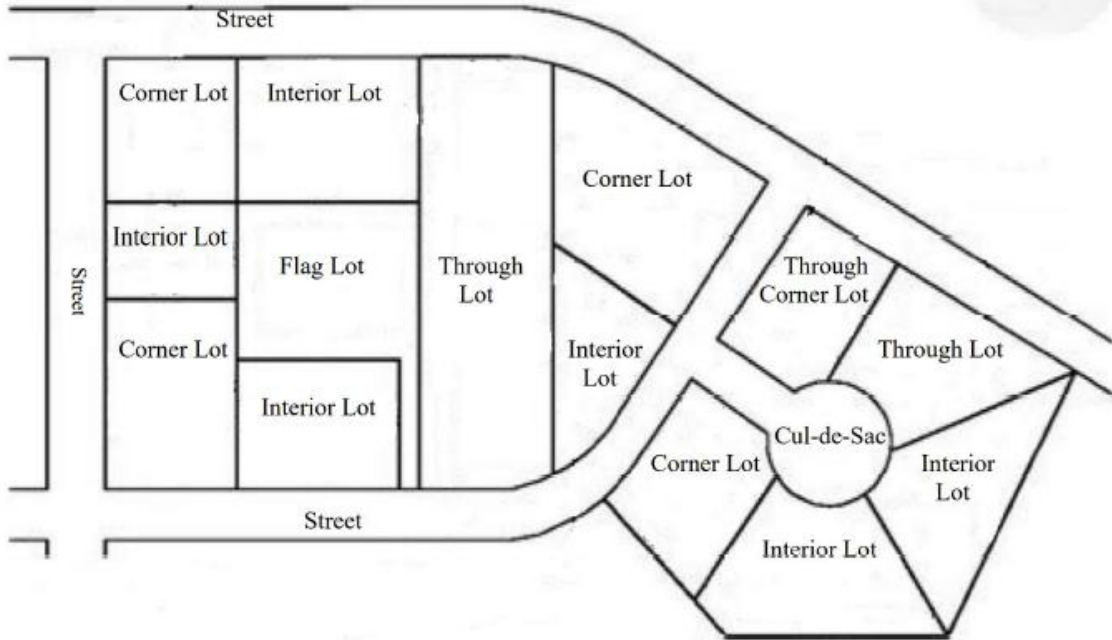
**RETAIL BUSINESS:** Retail business shall include variety stores, apparel stores, florists, drugstores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting good stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

**SECTION 19.** Section 295-22 of the Code, entitled “Definitions”, is hereby amended to delete the terms “Lot”, “Lot Area”, and “Lot, Corner” and add the following new definitions and graphic:

**LOT:** A designated parcel, tract, plat or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- (1) Lot area. The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.
- (2) Lot, corner. A lot at the junction of and abutting on two or more intersecting streets or private roads. Corner lots shall contain a minimum of two side lots and front yards where it abuts a street or right-of-way.
- (3) Lot, flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.
- (4) Lot interior. A lot other than a corner lot.
- (5) Lot, minimum width. The horizontal distance between the side lines of a lot measured at the front lot line.
- (6) Lot, nonconforming. The area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- (7) Lot, Reverse Frontage (Double Frontage, through). A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway. Through lots shall have front yard setbacks for areas adjacent to the street and others shall be side yards.

- (8) Lot, Multiple Frontage (Through). A lot that abuts three or more streets. Multiple frontage lots shall have front yard setbacks along all streets with the remaining yards being side yards.



**SECTION 20.** Section 295-22 of the Code, entitled “Definitions”, is hereby amended to add the definition of the term “Nightclub or Dance Hall” to read as follows:

**NIGHTCLUB OR DANCE HALL**

Any building used for on-site consumption of alcoholic or non-alcoholic beverages where live entertainment, including disc jockeys play music. Nightclubs include “under 21” clubs which feature entertainment as well as After Hours Clubs. Nightclubs or dance halls shall be subject to the additional requirements set forth in Section 295-74.1 of the Code.

**SECTION 21.** Section 295-22 of the Code, entitled “Definitions”, is hereby amended to add the following terms:

**BEDROOM**

Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit. A bedroom must contain a minimum of seventy (70) square feet. A room smaller than 70 square feet may not be used as a bedroom.

**DWELLING UNIT**

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING UNIT, OWNER OCCUPIED**

A dwelling unit that is permanently occupied by one or more of its legal owners as indicated by the Dauphin County Recorder of Deeds.

**DWELLING UNIT, NON-OWNER OCCUPIED**

A dwelling unit that is occupied by a person or persons or a family that are not the legal owners as indicated by the Dauphin County Recorder of Deeds.

**FAMILY**

One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to three unrelated individuals who maintain a common household and live within one dwelling unit.

**HOMESTAY**

An accessory use to an owner-occupied dwelling unit wherein a maximum of two rooms are available for use or are used for short-term rental, and where such lodging is provided for compensation. This use may include 1 or 2 Housekeeping Units.

**HOUSEKEEPING UNIT**

A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating that does not contain within such a unit, a toilet, lavatory and bathtub or shower.

**OCCUPANT**

Any individual living or sleeping in a building or having possession of a space within a building.

**RECREATION, ACTIVE**

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION, PASSIVE**

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

**RECREATION AREA, ACTIVE**

Any area developed in such a manner as to be conducive of those activities that fall within the range of active recreation. Examples shall include, but not be limited to, athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

**RECREATION AREA, PASSIVE**

Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples shall include, but not be limited to, scenic vistas, natural



areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

### **ROOMING HOUSE**

A building arranged and occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling. This use may include Housekeeping Units. Structures and uses with a permitted capacity of 10 or more occupants (R-1 Use Classification) must comply with the applicable Uniform Construction Code requirements.

### **ROOMING UNIT**

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes This use may include Housekeeping Units.

### **SHORT-TERM RENTAL**

Any residential structure or portion of a residential structure, including a Single-Family Dwelling Unit, Housekeeping Unit, Rooming House, Rooming Unit, or Sleeping Unit, used as a rental and used by transient occupants for a period of less than 30 consecutive days serving a maximum of 10 individuals. Children under the age of 3 are excluded from this count. This use does not include hotels, motels, and extended-stay hotels.

### **SHORT-TERM RENTAL PERMIT**

A permit approved the by the Swatara Township Zoning Officer to utilize a residential structure for short-term rental use.

### **SLEEPING UNIT**

A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

### **STRUCTURE**

That which is built or constructed.

### **TRANSIENT OCCUPANT**

A person, persons, or a family, passing through or by a place with only a brief stay; someone who lives temporarily in a place for a period of less than 30 consecutive days; a traveler or tourist; a camper or hiker.

**SECTION 22.** Section 295-22 of the Code, entitled “Definitions”, is hereby amended to remove the definition of the term “Yard”, except for subsections A and B of that definition, and add the following terms and their definitions and accompanying graphic, which shall read as follows:

**YARD, REQUIRED**

An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.



**YARD, BUFFER**

See Buffer Yard.

**YARD, CORNER LOT**

On a corner lot, both yards abutting the Street shall have a width equal to the depth of the front yard required for the district and shall be subject to all front yard requirements of this Chapter. Opposing yards shall meet side yard requirements.

**SECTION 23.** Section 295-28.G of the Code is hereby amended by amending the table to add certain uses as set forth below:

**G. Allowed uses in primarily residential districts.**

<u>Types of Uses</u>	<u>Zoning Districts</u>				
	C	A	R-S	R-M and R-ML	A-OG
<b>Residential Uses</b>					
Short-term rental, non owner occupied (subject to Section 295.64.1, additional Requirements)	P	P	N	SE	P
<b>Accessory Uses</b>					
Homestay/Short-term rental, owner occupied as accessory to an existing dwelling unit (subject to Section 295-96.D(9.1), additional requirements for specific accessory uses)	P	P	P	P	P

**SECTION 24.** Section 295-28.H of the Code is hereby amended by amending the table to add certain uses as set forth below:

**H. Allowed uses in primarily business zoning districts.** For the MU Mixed-Use District, see § 295-34.

<u>Types of Uses</u>	<u>Zoning Districts</u>		
	C-L	C-G and C-H	M-L and M-G
<b>Residential Uses</b>			
Short-term rental, non owner occupied (subject to Section 295.64.1, additional Requirements)	P	P	N
<b>Accessory Uses</b>			
Homestay/Short-term rental, owner occupied as accessory to an existing dwelling unit (subject to Section 295-96.D(9.1), additional requirements for specific accessory uses)	P	P	N

**SECTION 25.** Section 295-42 of the Code, entitled “After-hours club”, shall be amended to remove the provisions relating to “After-hours clubs” and Section 295-42 shall be marked as “Reserved”.

**SECTION 26.** Section 295-55 of the Code, entitled “Wireless Communications Facilities”, shall be amended by amending subsection (C)(1)(c) to read as follows:

- (c) Special Exception authorization required. Tower-based WCFs are permitted in certain zoning districts by special exception, and at a height necessary to satisfy their function in the WCF applicant's wireless communications system. No WCF applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF applicant shall demonstrate that the antenna/tower/pole for the tower-based WCF is the minimum height necessary for the service area.

[1] Prior to the Zoning Hearing Board's approval of a special exception authorizing the construction and installation of a tower-based WCF, it shall be incumbent upon the WCF applicant for such special exception approval to prove to the reasonable satisfaction of the Zoning Hearing Board that the WCF applicant cannot adequately extend or infill its

communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF applicant shall further demonstrate that the proposed tower-based WCF must be located where it is proposed in order to serve the WCF applicant's service area and that no other viable alternative location exists.

[2] The special exception application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF applicant, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant in determining the need for the proposed site and installation.

[3] The special exception application shall be accompanied by documentation demonstrating that the proposed tower-based WCF complies with all state and federal laws and regulations concerning aviation safety.

[4] Where the tower-based WCF is located on a property with another principal use, the WCF applicant shall present documentation to the Zoning Hearing Board that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.

[5] The special exception application shall be accompanied by documentation demonstrating that the proposed tower-based WCF complies with all applicable provisions in this section.

**SECTION 27.** Section 295-55 of the Code, entitled “Wireless Communications Facilities”, shall be amended by amending subsection (C)(1)(d) to read as follows:

(d) Engineer inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a tower-based WCF, a structural engineer registered in Pennsylvania shall issue to the Zoning Hearing Board and the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunications Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the special exception hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

**SECTION 28.** Section 295-55 of the Code, entitled “Wireless Communications Facilities”, shall be amended by amending subsection (C)(1)(e) to read as follows:

(e) Visual appearance and land use compatibility. Tower-based WCFs shall employ stealth technology, which may include the tower portion to be painted silver or another color approved by the Zoning Hearing Board, or shall have a galvanized finish. All tower-based WCFs and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Zoning Hearing Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

**SECTION 29.** Section 295-55 of the Code, entitled “Wireless Communications Facilities”, shall be amended by amending subsection (C)(1)(f) to read as follows:

(f) Co-location and siting. A special exception application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned and maintained by Swatara Township. The Zoning Hearing Board may deny an application to construct a new tower-based WCF if the WCF applicant has not made a good-faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one-fourth-mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

[1] The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

[2] The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

[3] Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

[4] A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

**SECTION 30.** Section 295-55 of the Code, entitled “Wireless Communications Facilities”, shall be amended by amending subsection (C)(1)(h) to read as follows:

(h) Gap in coverage. A WCF applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Zoning Hearing Board's decision on an application for approval of tower-based WCF.

**SECTION 31.** Section 295-55 of the Code, entitled "Wireless Communications Facilities", shall be amended by amending subsection (C)(1)(v) to read as follows:

(v) Timing of approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the WCF applicant, in writing, of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon in accordance with the relevant provisions of the Municipalities Planning Code.

**SECTION 32.** Section 295-55 of the Code, entitled "Wireless Communications Facilities", shall be amended by amending subsection (C)(2)(a)[2] to read as follows:

[2] Tower-based WCFs are permitted outside the public rights-of-way in certain zoning districts by special exception pursuant to the table of uses in §295-28.

**SECTION 33.** Section 295-55 of the Code, entitled "Wireless Communications Facilities", shall be amended by amending subsection (C)(2)(b) to read as follows:

(b) Design regulations.

[1] The WCF shall employ the most-current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

[2] To the extent permissible by law, any height extensions to an existing tower-based WCF shall require prior approval of the Zoning Hearing Board.

[3] Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.

[4] Any tower-based WCF over 40 feet in height shall be equipped with an anticlimbing device, as approved by the manufacturer.

**SECTION 34.** Section 295-55 of the Code, entitled "Wireless Communications Facilities", shall be amended by amending subsection (C)(2)(d) to read as follows:

(d) Fence/screen.

[1] A security fence with a minimum height of eight feet shall completely surround any tower-based WCF greater than 40 feet in height, as well as guy wires, or any building housing WCF equipment.

[2] Landscaping shall be required to screen as much of a newly constructed tower-based WCF as possible. A combination of existing vegetation, topography, walls, decorative fences or other features may be permitted instead of landscaping if it achieves the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.

[a] An evergreen screen shall be required to surround the site. The evergreen screen shall be a minimum height of four feet at the time of planting.

**SECTION 35.** Chapter 295 of the Code is hereby amended to establish a new Section 295-74.1, entitled “Nightclub or Dance Hall”, which shall set forth the additional requirements for a Nightclub or Dance Hall to read as follows:

**§ 295-74.1 Nightclub or Dance Hall.**

A. Noise levels shall comply with the provisions of this Chapter and others in the Township Code of Ordinances.

**SECTION 36.** Chapter 295 of the Code is hereby amended to add a new Section 295-85.1, to be entitled “Short-Term Rental, Non-owner Occupied”, to set forth additional requirements for such use, which shall read as follows:

**§ 295-85.1 Short-Term Rental, Non-owner Occupied.**

- A. Short-term rentals are only permitted in an existing residential building where the existing or prior approved use included a habitable dwelling unit. Addition of new rental units on the property is prohibited.
- B. Short-term rentals shall only be permitted in a structure originally built as a single-family detached dwelling unit, single-family semidetached dwelling unit, or two-family detached dwelling where all units are on the same lot or where each unit is under the same ownership.
- C. A short-term rental unit must be located at least 150 feet from any other short-term rental unit.
- D. Any outdoor amenities or improvements to the short-term rental such as decks, seating areas, horseshoe pits, patios, and the like must be at least 25 feet from any adjacent single-family dwelling unit.

- E. Only one rental agreement at a time shall be permitted per approved short-term rental unit.
- F. A minimum of 2 off-street parking spaces per rental unit must be provided. Parking surfaces must be constructed of asphalt, concrete, brick, or paver blocks. The Zoning Hearing Board may require more off-street parking as part of a Special Exception approval. Outdoor parking spaces shall be delineated by painted lines having a minimum width of four inches.
- G. The exterior of the short-term rental must maintain a residential appearance.
- H. Noise and disturbance levels must be comparable to typical residential uses and comply with 295-101 Noise.
- I. Functions such as concerts, conferences, or weddings are prohibited on the lot of a short-term rental unit.
- J. Access to the property must be maintained and remain clear of obstructions to accommodate emergency vehicles.
- K. Signage is limited to one four-foot square sign, excluding any signage identifying the street address of the property.
- L. The owner or operator must pay all State, County, and local hotel occupancy taxes that are applicable to temporary lodging facilities. Proof of rental unit registration with Dauphin County Treasurer must be attached to the Short-Term Rental Unit permit application.
- M. The owner or operator must obtain a Short-Term Rental Permit for each rental unit and pay the fee(s) for any inspection program enacted and enforced by the Township.
- N. The owner/operator must provide the name and 24-hour contact phone number of the person responsible for the security and maintenance of the property on the Short-Term Rental Unit permit application. The contact phone number must also be posted in a visible location on the exterior of the property.
- O. A written notice shall be conspicuously posted inside each rental unit setting forth the name, address and telephone number of the contact person responsible for the security and maintenance of the property. The notice shall also set forth the address of the rental use, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.

**SECTION 37.** Section 295-91 of the Code, entitled “Townhouses and apartments”, shall be amended by amending subsection 295-91.A to amend the maximum number of apartments in a building to forty (40) and shall read as follows:



**§ 295-91 Townhouses and apartments.**

- A. Maximum length and width of an attached grouping of townhouses: 160 feet. Maximum number of apartments that shall be within a building: 40, except no maximum shall apply in a building meeting the age-restricted housing limits of § 295-33.

**SECTION 38.** Section 295-96.D of the Code, entitled “Accessory uses”, is hereby amended to add the following language to subsection 295-96.D(7)(c), entitled “Fences”, which shall read as follows:

[3][b]: A taller height may be approved by the Zoning Officer if necessary to provide a secure enclosure and must be constructed of metal chain link or similar metal materials in an open-style pattern.

[3][c]: A fence located in a non-residential district may have a height of up to eight (8) feet and must be constructed of metal chain link or similar metal materials in an open-style pattern.

[3][d]: NOTE: A Pennsylvania Uniform Construction Code (UCC) building permit is required for any fence greater than six (6) feet in height.

**SECTION 39.** Chapter 295-96 of the Code, entitled “Accessory uses”, is hereby amended to add a new subsection, 295-96.D(9.1), to be entitled “Homestay/Short-term rental, owner occupied”, to set forth additional requirements for such use, which shall read as follows:

**§ 295-96 Accessory uses.**

- D. Special standards. Each accessory use shall comply with all of the following standards listed for that use:

(9.1) Homestay/Short-term rental, owner occupied

[a] All homestay / short term rental units shall meet the following requirements:

[1] Short-term rentals are only permitted in an existing residential building where the existing or prior approved use included a habitable dwelling unit. Addition of new rental units on the property is prohibited.

[2] Only one rental agreement at a time shall be permitted per approved short-term rental unit.

[3] A minimum of 2 off-street parking spaces per dwelling unit must be provided plus one for each short-term rental unit. Attached garage spaces may not be used for this purpose. Parking surfaces must be constructed of asphalt, concrete, brick, or paver blocks.

[4] The owner or operator must obtain a Short-Term Rental Permit for each rental unit and pay the fee(s) for any inspection program enacted and enforced by the Township.

[5] The operator of a homestay use must be one of the legal owners of the property and shall maintain permanent residency on the premises.

[6] A bedroom must meet the minimum size requirements set forth in the International Property Maintenance Code.

[7] On-site advertising of a homestay use is prohibited.

**SECTION 40.** Section 295-112 of the Code is hereby amended by amending the Table of Signs in Section 295-112.A of the Code to add “Places of Worship” and “School, Public or Private” in the Conservation District, Agricultural District, or residential district “Zoning District or Type of Use Column and to regulate the total maximum area and number of freestanding signs for those uses, to read as follows:

Zoning District or Type of Use	Total Maximum Height of Freestanding Signs	Total Maximum Area of Wall Signs	Total Maximum Area of Window Signs	Total Maximum Area and Number of Freestanding Signs
Conservation District, Agricultural District, residential districts, Places of Worship, and Schools, public or private, with signs in this table limited to allowed principal nonresidential uses; for home occupation signs, see § 295-111	8 feet	30 square feet on each side of a principal nonresidential building or an allowed nursing home or personal care center	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 60 square feet; see also entrance signs for major residential developments in Subsection E

**SECTION 41.** Repealer. All provisions of previous Ordinances of Swatara Township which are contrary to this Ordinance are expressly repealed.

**SECTION 42.** Savings Clause. In all other respects, the Code of Swatara Township shall remain as previously enacted and ordained.

**SECTION 43.** Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

**SECTION 44.** Effective Date. This Ordinance shall take effect immediately.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, on this \_\_\_\_ day of \_\_\_\_\_, 2025 by the Board of Commissioners of Swatara Township, Dauphin County, Pennsylvania in lawful session duly assembled.

**ATTEST:**

**BOARD OF COMMISSIONERS OF  
SWATARA TOWNSHIP, DAUPHIN COUNTY,  
PENNSYLVANIA**

\_\_\_\_\_  
Jennifer Yesavage, Secretary

By: \_\_\_\_\_  
Shaela Ellis, President