

**ORDINANCE 2018-08**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, CHAPTER 220, ZONING, BY INCREASING THE MAXIMUM PERMITTED BUILDING HEIGHT IN THE C-2 GENERAL COMMERCIAL AND C-4 REGIONAL COMMERCIAL ZONING DISTRICTS, AND BY ESTABLISHING A MAXIMUM BUILDING HEIGHT IN THE I-2 MINERAL RECOVERY DISTRICT.**

**BE IT ENACTED AND ORDAINED** by the Board of Commissioners ("Board") of Lower Allen Township ("Township"), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

**SECTION I**

Chapter 220 "Zoning" of the Code of Lower Allen Township shall be amended as follows:

1. Sections 220-59 and 220-75, **Building height limit**, shall be amended by replacing the number "40" with the number "75", and adding the following sentence: "When adjacent to a residential district or use, two feet in additional setbacks along the adjacent property lines shall be provided for every foot that the building height exceeds 50 feet."
2. Article XIII, Mineral Recovery District, shall be amended by adding new Section 220-95.1, **"Building height limit.** No building shall exceed a height of 75 feet. When adjacent to a residential district or use, two feet in additional setbacks along the adjacent property lines shall be provided for every foot that the building height exceeds 50 feet. This building height limit does not apply to unoccupied processing or manufacturing equipment and structures associated with permitted mineral recovery district uses." after Section 220-95, Off street parking, loading and unloading areas and access drives.

**SECTION II**

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

**SECTION III**

The provisions of this Ordinance are severable, and if any of its provisions shall be held 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 a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

**SECTION IV**

This Ordinance shall take effect immediately.

**ENACTED AND ORDAINED** this 10th day of September, 2018.

**Attest:**  
**(Corporate Seal)**

**BOARD OF COMMISSIONERS**  
**LOWER ALLEN TOWNSHIP**

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(Assistant) Secretary

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(Vice) President