

ZONING ORDINANCE
TOWNSHIP OF SOUTH MANHEIM
SCHUYLKILL COUNTY, PENNSYLVANIA
Ordinance Number 19

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BE IT ORDAINED by the Board of Supervisors, South Manheim Township, Schuylkill County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipal Planning Code and the amendments thereof and supplements thereto, as follows:

SECTION 100 TITLE AND SHORT TITLE

DECLARATION OF PURPOSE AND STATEMENT OF OBJECTIVES

110 TITLE

"An Ordinance to limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and nature of land and extent of their use, and the nature and extent of uses of land, in the Township of South Manheim, Schuylkill County, Pennsylvania, hereinafter referred to as the Township, and providing for the administration and enforcement of the provisions therein contained and fixing penalties for the violation thereof."

120 SHORT TITLE

This Ordinance shall be known and may be cited as "The South Manheim Township Zoning Ordinance of 2006."

130 DECLARATION OF PURPOSE

The provisions of this Zoning Ordinance are designed for the following purposes:

- 131 To promote, protect and facilitate the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, Recreation facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural and industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, farmlands and farming operations, and aquifers and floodplains.
- 132 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 133 To preserve agriculture and farmland considering classification, historical and present use and to preserve and promote the family farm operations including but not limited to centennial farms and generational farming.
- 134 To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.
- 135 To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- 136 To facilitate the present and future economic viability of agricultural operations in this Township and ensure this Ordinance does not prevent or impede the agricultural owner or operator's need to change or expand operations in the future in order to remain viable.

140 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

This Zoning Ordinance is based upon the objectives, analyses and recommendations that appear in the Township Comprehensive Plan.

150 APPLICATION AND INTERPRETATION OF REGULATIONS

Except as hereinafter provided, no structure or part thereof, and no lot or land or part thereof, shall be erected, structurally altered, enlarged, rebuilt or put to a use except in conformity with this Ordinance. Any lawfully existing use, structure or lot existing on the effective date of this Ordinance that does not conform to the provisions of this Ordinance,

shall be deemed nonconforming.

- 151 Any lawfully existing use of a structure or lot, or part thereof, which use constitutes a conforming use under provisions of this Ordinance, may be continued.
- 152 In interpreting and applying the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance or regulation, the provisions of this Ordinance shall be complied with. Where the provisions of any other Township ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such other Township ordinance or regulation shall be complied with. In interpreting the language to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.
- 153 Proceedings for obtaining review of this Ordinance or of any decision, determination or order of the Township Supervisors, their agencies, or Zoning Officer adopted or issued pursuant to this Ordinance shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.
- 154 This Ordinance shall not be interpreted in any manner as to prohibit persons engaged in agriculture from performing any land use or constructing any building or structure in furtherance of agricultural production that is otherwise authorized under the state Agricultural Area Security Law (Act 43 of 1981, 3 P.S. §§ 901 et seq.), Right to Farm Law Right-to-Farm Law (Act 133 of 1982, 3 P.S. §§ 951 et seq.) or Nutrient Management Act (Act 6 of 1993, 3 P.S. §§ 1701 et seq.). Nor shall this Ordinance be interpreted in any manner as to require any person to perform any land use, construct any building, or perform any other action in a manner that would cause the person to incur roll-back tax penalties under Section 5.1 of the state Farmland and Forestland Assessment Act (Act 319 of 1974, 72 P.S. §§ 5490.1 et seq.).
- 155 All lands within the Agricultural Preservation District, as designated by the South Manheim Township Zoning Ordinance of 2004, as amended, are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law

(Act 133 of 1982, 3 P.S. §§ 951 et seq.) may bar them from obtaining a legal judgment against such normal agricultural operations.

160 DEFINITIONS

Certain words and terms are used in this Zoning Ordinance for the purposes thereof and are defined as follows:

- 161 Unless the context clearly indicates the contrary, words used in the present tense include the future, the singular numbers include the plural, and the plural the singular.
- 162 The word "PERSON" includes a profit or non-profit corporation, company, institution, partnership, individual, or other similar entity. The male gender includes the female gender.
- 163 The words "SHALL" and "MUST" are always mandatory; the word "MAY" is permissive.
- 164 The word "LOT" includes the word "PLOT".
- 165 The word "STRUCTURE" includes the word "BUILDING".
- 166 The word "USE" and the word "USED" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.
- 167 The word "TOWNSHIP" means South Manheim Township, Schuylkill County, Pennsylvania; the term "BOARD OF SUPERVISORS" means the Board of Supervisors of said Township; the term "PLANNING COMMISSION" means the Planning Commission of said Township, the term ZONING HEARING BOARD means the Zoning Hearing Board of said Township.
- 168 Definition of Terms - The following definitions apply to this Ordinance. Any words or terms not expressly or clearly defined herein shall have the meaning which is generally accepted within the context in which the words or terms are used.

ACCESSORY STRUCTURE. A structure in which an Accessory Use is conducted.

ACCESSORY USE. A subordinate use customarily incidental to, and located on the same lot occupied by, the principal use.

ADULT BOOK STORE. A commercial establishment having any of its stock in books, magazines, photographs, videotapes or other materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified

Sexual Activities" or "Specified Anatomical Areas".

ADULT MOTION PICTURE THEATER. An establishment used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

AGRICULTURE. The raising and keeping of field, truck, or tree crops, and/or the raising and keeping of any member of the animal kingdom as a business enterprise, including:

(i) Any reasonable or necessary activity for the enhancement of agricultural production;

(ii) Direct commercial sales of agricultural products in a manner consistent with Section 3(b) of the state Right to Farm Law, 3 P.S. § 953(b);(iii) A rural enterprise incidental to the agricultural enterprise that provides supplemental income to the person engaged in agriculture, including farm tours and farm tourism and entertainment and operation of a bed and breakfast.

The term does not include the operation of a kennel or aquaculture. The Township, for purposes of this Ordinance, recognizes the following three (3) types of agricultural land uses.

1. General Agriculture - The following activities are General Agriculture for purposes of this Ordinance:

(a) The growing of crops, trees, nursery stock, flowers and other agricultural plants.

(b) The ownership, management, and/or raising of horses, cattle, pigs, sheep, goats, poultry, rabbits or similar animals, subject to the following limitation:

(1) If the area available for use is less than five (5) contiguous acres, the Animal Units per acre shall not exceed .5.

(2) If the area available for use is five (5) contiguous acres or greater but less than 25 contiguous acres, the Animal Units per acre shall not exceed 1.5.

(3) If the area available for use is 25 contiguous acres or greater, the Animal Units per acre shall not exceed 2.0

(c) Greenhouse operations where the total square footage of all greenhouses on the lot does not exceed 50,000 sq. ft. in growing area.

(d) An equine boarding breeding, riding, exhibiting and/or training operation.

2. Intensive Agriculture - The following activities are Intensive Agriculture for purposes of this Ordinance:

(a) The ownership, management, and/or raising of horses, cattle, pigs, sheep, goats, poultry, rabbits or similar animals when the number of Animal Units per acre is greater than 2.0 but less than 5.0.

(b) Greenhouse operations where the total square footage of all greenhouses on the lot is greater than 50,000 square feet in growing area but less than 150,000 square feet in growing area.

3. Highly Intensive Agriculture – The following activities shall be deemed Highly Intensive Agriculture for purposes of this Ordinance:

(a) The ownership, management, and/or raising of horses, cattle, pigs, sheep, goats, poultry, rabbits or similar animals when the number of Animal Units per acre is equal to or greater than 5.0.

(b) Greenhouse operations where the total square footage of all greenhouses on the lot is equal to or greater than 150,000 square feet of growing area.

(c) The production of mushrooms.

ALTERATION. Any change in height, building footprint, location or use of a building or property.

ALTERNATIVE TOWER STRUCTURE. Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of communications antennas or towers.

AMUSEMENT AND ENTERTAINMENT ESTABLISHMENTS. Places of amusement and recreation where an admission fee is charged for participants and/or spectators. This shall include, but not be limited to, bowling lanes, miniature golf courses, go-kart courses, amusement parks, outdoor theaters and amphitheaters, race courses, laser theaters, laser tag, paint ball and similar facilities and indoor music or movie theaters. This does not include Adult Motion Picture Theater or Cabaret.

ANIMAL HOSPITAL AND VETERINARY FACILITIES. A building or facility where medical care of any member of the animal kingdom is performed. This shall exclude the treatment or care of animals associated with on-site agricultural operations.

ANIMAL UNIT. One animal unit is the equivalent of 1,000 pounds of animal weight. For purposes of determining animal weight under provisions of this Ordinance, the standard weights for each type of animal operation, as set forth in Table A of 25 Pa. Code § 83.262, as amended, shall be utilized.

ANIMAL UNIT PER ACRE. The ratio of animal units per acre of area available for use and suitable for application of animal manure, as determined in accordance with the state Nutrient Management Act (Act 6 of 1993, 3 P.S. §§ 1701 et seq.).

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, alternate tower

structure, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

ANTENNA HEIGHT. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod or any other structure which supports or helps to support any type of device used in the transmitting or receiving of any type of telecommunication transmissions.

APARTMENT BUILDING. A building on a single lot arranged, intended, designed for and occupied as a residence for three or more families, and which the dwelling units may be separated horizontally and/or vertically.

APARTMENT UNIT. A dwelling unit within an Apartment Building.

AQUACULTURE. As used in this Ordinance, the term aquaculture shall mean the controlled cultivation of plants and/or animals in man-made or natural bodies of water for the purpose of distribution and sale at densities consistent with intensive agriculture or greater.

AREA AVAILABLE FOR USE. As used to delineate General Agriculture, Intensive Agriculture and Highly Intensive Agriculture operations in this Ordinance, this term shall include all land under control of the applicant at the time of the application, whether owned in fee, equitably through an installment land contract, or used pursuant to a written leasehold agreement

AUTOMOBILE FILLING STATION. Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body work, painting, vehicular sales nor rental, or automatic car washes. A "Convenience Store", as herein defined, shall be considered an accessory use to the principal use of "Automobile Filling Station". "Restaurant - Drive-Thru Or Fast-Food" as herein defined, with the condition that at least 75% of the food service must be carry-out service, shall be considered an accessory use to the principal use of "Automobile Filling Station".

AUTOMOBILE SALES. Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly enclosed building.

BACKHAUL NETWORK. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance telecommunications provides or the public switched telephone network.

BASEMENT. A story partly below the finished grade but having at least one-half of its height

(measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

BED-AND-BREAKFAST. An owner-occupied single-family detached dwelling where not more than six (6) bedrooms are rented to overnight guests on a daily basis for periods not exceeding one (1) week. Meals, and where duly licensed, alcoholic beverages, may be offered to registered overnight guests only.

BOARD, ZONING HEARING. The Zoning Hearing Board of South Manheim Township.

BOARDING, LODGING OR ROOMING HOUSE. A private dwelling in which at least one room is offered for rent, payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained. The minimum stay shall be 14 consecutive days for this use.

BUILDING. A structure, either temporary or permanent, constructed on, erected on, or affixed to the ground with a roof supported by columns or walls, not including temporary Agricultural structures, such as Loafing Sheds, Farm stands, livestock feeders and waterers, fences, and gates, as well as dog houses, tree houses, hunting blinds and tree stands, firewood boxes, private playground equipment, school bus shelters

BUILDING AREA. The total area taken on a horizontal plane at the main grade level of all principal and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves, gutters, but including all enclosed extensions.

BUILDING HEIGHT. The vertical distance measured from the lowest elevation of the finished grade at the building, excluding truck loading areas and other similar points of entry, to the highest point of the roof. Chimneys, spires, cupolas, antennas, and other similar projections shall not be included in calculating the height of a building.

CABARET. A club, bar, tavern, theater, hall or similar place which features topless or bottomless dancers, entertainers, or employees, strippers, simulated sex acts, live or actual sex acts, or similar entertainers or entertainment.

CAMPGROUND. Any parcel of land used for the purpose of providing a space or spaces for Travel Trailers or tents for camping purposes, for the leasing, renting, or occupancy of such space, unless related to an authorized use. The term Campground shall include travel trailer park.

CARPORT. A roofed-over structure open on one (1) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

CARTWAY. The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

CELLAR. A story completely below the finished grade having not more than 10% of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

CEMETERY. Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

CERTIFICATE OF USE AND OCCUPANCY. A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure and/or sign complies with the Zoning Ordinance, and that a building, structure and/or sign may be lawfully employed for a specific use, as provided in this Ordinance.

CHURCHES, PLACES OF WORSHIP, AND RELATED USES. A building, structure, or group of buildings or structures, including accessory structures, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or Day Care facilities, but shall not include the term "school".

CLEARED AREA. Utilized exclusively in the C - Conservation District, this term refers to the amount of a property which, prior to development, contained trees of at least a 2 inch caliper, as measured at a height of 4 feet, at a density of at least 1 tree per 100 square feet which, after development, will not contain trees.

COMMON OPEN SPACE. A parcel or parcels of land or an area of water, or a combination of land and water, within a development site designed and intended for use or enjoyment for all residents of a development, not including streets, Parking Facilities, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA. Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commissions (FCC) to operate such device. This definitions shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING. An unmanned building or cabinet containing electronic receiving and relay communications equipment, cooling equipment and monitoring devices related to or required for the operation of communications towers, antennas or facilities. These shall not be considered as public or essential services.

COMMUNICATIONS FACILITY. A facility consisting of the equipment and structures (including but not limited to communications tower, communications antenna, communications equipment building and foundations) involved in the reception and/or transmission of electromagnetic or radio wireless waves. These shall not be considered as public or essential services.

COMMUNICATIONS TOWER. A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. A tower, pole or structure of any size which supports, houses and/or upon which is located

communication (broadcasting and/or receiving) equipment, including but not limited to antennas, fixed-point microwave dishes, communications antenna and cellular communications antennas utilized by commercial, government or other public or quasi-public users. This definition excludes private home use satellite dishes and television antennas, or amateur radio operators licensed by the FCC. These shall not be considered as public or essential services.

COMPREHENSIVE PLAN. The Comprehensive for South Manheim Township.

CONVENIENCE STORE. A retail sales business which specializes in providing household products and food. Convenience Stores may also provide any or all of the following as an accessory use:

1. The rental of video tapes and the sale of magazines and similar printed materials provided that it is not in conflict with any restrictions related to Adult Book Stores.
2. The preparation and sales of delicatessen sandwiches and similar prepared food items.

CORNER LOT. A lot abutting two or more intersecting public or private streets, or at the point of abrupt change or direction of a single street (an interior angle of less than 135 degrees). The person who intends to establish a use on a corner lot may designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. The yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite this yard shall meet the side yard requirements of the applicable zoning district.

CREMATORIUM. A building, structure or facility in which cremation services are performed.

DAY CARE. The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition shall not include the offering or provision of overnight accommodations.

DWELLING. A building or portion thereof arranged, intended, or designed or used as the living quarters for one or more families living independently of each other. Such buildings as Hospitals, Hotels, Boarding, Rooming, Lodging Houses, Hospital, Nursing, Rest or Retirement Home, Motels, and institutional residences are not included in the definition of dwelling.

DWELLING UNIT. A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or

disposal systems and their essential buildings. Communications towers and communications antennas as defined herein shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

FAMILY. One or more individuals related by blood, marriage, or adoption (including persons receiving foster care), or not more than three (3) unrelated persons, living independently as a single housekeeping unit and using cooking facilities and certain rooms in common. A FAMILY shall not be deemed to include the occupants of a college dormitory, residential club, Motel, Hotel, Boarding, Lodging or Rooming House, or other temporary or transient housing facility regardless of the number of occupants.

FARM STAND. An open, partially-enclosed or fully enclosed structure located along the roadway for the display and sale of farm products produced on the premises.

FINANCIAL INSTITUTION. A bank, savings and loan association, credit union, finance or loan company, or similar company or firm.

FLEA MARKET. A retail sales use where more than one vendor displays and sells general merchandise that is new or used, regardless of being located indoor or outdoor.

FLOOR AREA. (Gross Floor Area) The sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including basement space and roofed porches, roofed breezeways, roofed terraces, roofed garages, carports, and accessory buildings. Cellar area is excluded.

FLOOR AREA. (Gross Leasable) The total floor area designed for occupancy by an owner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

FLOOR AREA (Habitable) The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, family room, kitchen, bedroom, den, bathroom, closet, hallway, stairway, but not including unfinished cellars or attics, nor service rooms or areas such as utility rooms, nor unheated areas, nor garages.

FORESTRY The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FUNERAL HOME. A principal use for the preparation and viewing of the deceased prior to burial or cremation. Funeral Homes shall not include cemeteries or crematoriums.

GARAGE. An accessory building maintained primarily for the convenience of the occupant or

occupants of the principal building and in which no business or other non-residential use is carried on and no service is rendered to the general public.

GOLF COURSE. A golf course with a minimum of 2,800 yards of play and a minimum of nine (9) holes.

GRADE. The level of the ground adjacent to the exterior walls of a building or structure, or to a sign.

GROUP HOME. A dwelling operated with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap or disability. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use.

HAZARDOUS MATERIAL. Materials which have the potential to damage health, endanger human life or impair safety and are classified as such by State, Federal and/or other regulatory agencies.

HAZARDOUS WASTE. Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including radioactive, solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or morbidity in an individual; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed or, or otherwise managed.

The term shall not include any material that is not a hazardous waste under the state Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 et seq.).

HAZARDOUS WASTE FACILITY. Any structure, group of structures, above ground or below ground storage containers, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than normal transportation time through the Township.

HEALTH AND RECREATION CLUB. A commercial business that offers active recreation and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses or Massage Establishments.

HEIGHT OF COMMUNICATIONS TOWER. The vertical distance measured from the pre-existing

finished grade level of a parcel to the highest point on a communications tower or other structure, including the base pad and any antenna mounted on the tower.

HIGHWAY ACCESS POINT. The location or place of egress from or access to a street or highway created by a driveway, minor street, or another highway.

HIGHWAY FRONTAGE. The lot dimension measured along the right-of-way line of any street or highway abutting a lot.

HOME OCCUPATION. Home Occupations are limited to lawful services provided within the residential dwelling of the service provider. All Home Occupations shall comply with the requirements set forth in Section 1039 of this Ordinance.

HOME PREMISES BUSINESS: Any lawful enterprise carried on within the boundary of a property where one of the owners of the enterprise resides. The Home Premises business may be conducted within the dwelling and/or in another structure located upon the property. All Home Premises businesses shall comply with the requirements set forth in Section 1040 of this Ordinance.

HOSPITAL. An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a 24 hour per day basis, and provides primary health services and medical and surgical care to persons. A Hospital shall be deemed to include a sanitarium, sanitorium, clinic, rest home, or other building with an equivalent appellation.

HOTEL. A building or part thereof which has a common entrance, common heating system, a general dining room, and which contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation; any building or part thereof in which rooms are to be occupied by individuals or groups of individuals, which is not a Motel, Boarding, Lodging or Rooming House, or Bed-and-Breakfast, according to the definitions of this section.

IMPERVIOUS AREA. Area of the ground on which an improvement or alteration will occur or has occurred which limits or restricts the downward movement of stormwater into the ground. This shall include, but not be limited to, bituminous or concrete paving and roof areas.

JUNK. Any discarded material or article including, but not limited to: scrap metal, scrapped, abandoned, or junked machinery, equipment, furniture, electrical appliances, rags, paper, glass containers, tires or other automotive equipment and parts, buildings and structures or parts thereof; and three (3) or more (one or more in the C, LDR and HDR District) scrapped, abandoned, or junked motorized vehicles which are unlicensed, inoperable, or do not have a current and valid inspection sticker as required by the Pennsylvania Vehicle Code, excluding farm vehicles, implements of husbandry and trailers registered for farm use or subject to farm exemption from registration under the Code. The term Junk shall not include garbage or rubbish kept in a proper container for the purpose of prompt disposal, nor functional farm machinery located on an agricultural use property, nor material contained in an area that is not defined to be a "junkyard" under exception a of that definition, nor metal

used in conjunction with a welding shop or similar business utilizing metal. The term Junk shall exclude racing vehicles, but shall include demolition derby-type vehicles.

JUNKYARD. Any place or establishment where junk is disposed of, stored, or accumulated on the outside of any building, edifice, or structure that is enclosed on all sides; or where the business of selling, buying, or dealing in junk is carried on.

a. On an agricultural use property, farm machinery or equipment used for parts, scrap metal, and scrapped building materials for use on that farm may be stored outside a building and said storage area shall not be considered a JUNKYARD.

KENNEL. Any structure or premises in which more than 4 dogs or cats more than 6 months old are groomed, bred, boarded, or trained for commercial purposes.

LANDOWNER. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE SCREEN. A completely planted visual barrier composed of evergreen vegetation arranged to form both a low-level and a high-level screen between grade and to a height of at least eight (8) feet within three (3) years after planting.

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

LOT AREA. The total area included within lot lines, excluding land contained within street right-of-way lines. The Lot Area requirements specified herein shall apply to each Principal Use structure, unless specifically stated otherwise.

LOT COVERAGE. The percentage of the Lot Area that is occupied by Impervious Area.

LOT LINE. Any boundary of a lot.

LOT LINE, FRONT. The Lot Line along a Street Line, and the lot line nearest the Street Line which runs parallel or nearly parallel to the Street Line.

LOT LINE, REAR. The lot line, or lines, opposite to the front lot line.

LOT LINE, SIDE. Any lot line not a rear lot line or front lot line.

LOT OF RECORD. Land which constitutes a separate lot or parcel as recorded in the office of the Recorder of Deeds of Schuylkill County, Pennsylvania. This shall include lots shown on a recorded subdivision plan and lots which have recorded deeds.

LOT WIDTH. The straight line distance between the Side Lot Lines.

MANUFACTURING. A function involving either the processing or production of materials, goods,

or products.

MANURE. The fecal and urinary excrement of livestock and poultry.

MASSAGE ESTABLISHMENT. Any place or establishment where a massage is available, a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device, with or without supplementary aids, including, but not by way of limitation, a massage school, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth of Pennsylvania.

MEDICAL OFFICE BUILDING. A building used exclusively by physicians, dentists, and similar personnel, for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

METHADONE TREATMENT FACILITY. A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons

MINI-WAREHOUSE. Also known as self-storage facilities. A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization, excluding agricultural production in accessory agricultural buildings. These units shall be used solely for dead storage and shall not include processing, manufacturing, sales, research, service, repair, or other non-storage activities.

MINERALS Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MOBILEHOME. A transportable, single family dwelling intended for permanent placement, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT. A parcel of land in a Mobilehome Park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single Mobilehome.

MOBILEHOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more Mobilehome Lots for the placement thereon of Mobilehomes.

MOTEL. A building or group of buildings, whether detached or in connected units, used as individual sleeping units, designed exclusively for transient travelers, and provided with

accessory off-street Parking Facilities. The term MOTEL includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include Mobilehome Parks, Campgrounds, or Dwellings

MUNICIPALITY. Township of South Manheim, Schuylkill County, Pennsylvania.

MUNICIPAL USE. Land owned or leased and maintained by the Township or a municipal authority for the purpose of conducting Township or municipal authority related business. Municipal Use shall include such uses as a police station, Public Social and Recreation Facilities (when owned or operated by the Municipality or an agency or organization designated by the Municipality), and administrative or equipment storage building.

NONCONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the amendment of such Ordinance or amendment or prior to application of such Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE. A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation.

NURSING, REST OR RETIREMENT HOMES. Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

NUTRIENT MANAGEMENT PLAN. As used in this Ordinance, this term shall mean a plan for the management of animal waste prepared in accordance with the Pennsylvania Nutrient Management Act, 3. P.S. § 1701, et seq. and the regulations implementing that Act promulgated at 25 Pa. Code Chapter 83, Subchapter D.

OFFICE. A place where the primary use is conducting the affairs of a business, profession, or service, including administration, record keeping, clerical work, and similar business functions. An Office shall not include manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products; nor the sale or delivery of any materials, goods, or products which are physically located on the premises.

PARENT TRACT. A lawfully existing lot of land, located within the Agricultural (A) District existing lot of record on the effective date of this Ordinance.

PARKING FACILITIES. A lot or part thereof containing ten (10) or more Parking Spaces, and associated aisles and accessways, further categorized as follows:

ACCESSORY - Parking Facilities directly associated with another specific use (such as a parking lot for a school or office building).

PRINCIPAL - Parking Facilities not directly associated with another specific use (such as a public parking lot or garage).

PARKING SPACE. A stall or berth which is arranged and intended for parking of one licensed, inspected, operable motor vehicle, further categorized as follows:

OFFSTREET - A Parking Space located outside of any Street right-of-way; a Parking Space not located along a Private Street.

ONSTREET - A Parking Space located within a Street right-of-way or along a Private Street.

PARTY WALL. A wall used or adopted for joint service between two buildings or parts thereof.

PENAL INSTITUTION. For purposes of this Ordinance, a Penal Institution includes, but is not limited to, any detention or rehabilitation facility to which individuals, whether adults or juveniles, and whether convicted, adjudicated, paroled, or detained pending some other status, are directed, ordered or committed by a judge or other legal authority.

PERSONAL SERVICE ESTABLISHMENT. A business which provides services for individuals and not for other commercial or industrial businesses. Such establishments do not include Retail Stores and Repair Businesses except as may be clearly incidental to the primary service provided. Examples include barber shops, beauty shops and salons (including incidental sales of hair, skin and nail care products if related services are provided), laundromats, dry cleaning shops (including incidental repair or mending of clothing); tanning salons, etc.

PRE-EXISTING TOWER OR PRE-EXISTING ANTENNA. Any lawfully existing tower or antenna, including those towers or antennas for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, whether or not the tower or antenna has been constructed, so long as such permit is current and not expired.

PREMISES. A descriptive word to include all improvements, buildings, structures, and land on or within a lot.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is situated.

PRINCIPAL USE. The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

PUBLIC HEARING. A formal meeting held pursuant to public notice, intended to inform and

obtain public comment, prior to taking action.

PUBLIC MEETING. A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings)

PUBLIC NOTICE. A notice published once each week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing.

PUBLIC UTILITY TRANSMISSION TOWER. A structure, owned and operated by a public utility electric company or by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

QUARRY. A lot or land or part thereof used specifically for the purpose of extracting stone, sand, gravel, or top soil for commercial purposes.

REPAIR. A function involving the correction of deficiencies of products that affect its performance and/or appearance.

REPAIR BUSINESSES. A business which provides Repair services, further categorized as follows:

AUTOMOBILE AND SMALL ENGINE EQUIPMENT REPAIR. The retail repair, servicing, maintenance and reconstruction of automobiles and small engine equipment typically utilized by individuals such as lawn mowers, chain saws, snow blowers, passenger vehicles, boats, recreational vehicles and similar items, excluding commercial trucks, busses and agricultural and construction vehicles and equipment. This excludes car washes.

HEAVY MACHINERY AND EQUIPMENT REPAIR. The repair, servicing, maintenance and reconstruction of machinery and equipment typically utilized by manufacturing, commercial, agricultural and industrial establishments. This shall include the repair of busses, trucks and agricultural and construction vehicles and equipment.

ELECTRONICS AND APPLIANCE REPAIR. The retail repair, servicing, maintenance and reconstruction of electronic equipment and appliances typically utilized by individuals and small businesses and offices, such as watches, clocks, radios, cash registers, air conditioners, televisions, computers, and home appliances.

RESTAURANT. An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed 5% of the total patron seating area. In-house Caterers shall be included in this definition.

RESTAURANT - DRIVE-THRU OR FAST-FOOD. An establishment that serves prepared food

generally packaged in paper or plastic or similar wrappers. Such food can be consumed either on or off the site.

RETAIL STORE. A building or structure devoted to the sale of commodities to the ultimate consumer. The term Retail Store shall not include the term Adult Book Store.

RIGHT-OF-WAY. The total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semi-public uses.

SANITARY LANDFILL. A lot or land or part thereof licensed and regulated by the Township and in conformance with the Pennsylvania Department of Environmental Protection requirements, that is used for the disposal and treatment of solid waste.

SCHOOL. A use in which supervised education or instruction is offered, including public and private schools and excluding educational activities related to agriculture and other approved uses, according to the following categories:

Elementary and Secondary - Schools with grades Kindergarten through and including 12th.

Post-Secondary - Schools offering education or instruction to individuals beyond Secondary, primarily for the purpose of obtaining gainful employment skills and knowledge, including colleges, universities, vocational, trade and business schools.

Commercial - Schools offering a variety of educational and instructional activities not included in the Elementary and Secondary, and Post-Secondary schools. Said school may or may not be operated as a gainful business by a person or organization other than a school district, and include dance, martial arts, hobby-oriented, nursery schools, and related schools.

SERVICE STREET. A minor right-of-way providing a secondary vehicular access to the side or rear or two or more properties, which is not the primary means of access to the properties.

SETBACK LINE. The line within a property defining the minimum required distance between any building or structure or portions thereof to be erected or altered and a Front Lot Line. Such line shall be measured at right angles from the Front Lot Line upon which said building or structure is located or to be located and shall be parallel to said Front Lot Line.

SEWAGE FACILITIES. All terms, expressions and words used in relation to sewage facilities, whether on-lot, community or public, shall be as defined in any and all applicable Pennsylvania Department of Environmental Protection, Rules, Regulations and other publications.

SHOOTING RANGE. A place where the public, for a fee or by invitation, can discharge firearms for recreation, competition, skill development, or training. A Shooting Range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER. A group of retail stores planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SINGLE FAMILY DETACHED DWELLING. A building arranged, intended, or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building.

SINGLE FAMILY SEMI-DETACHED DWELLING. A building arranged, intended, or designed such that two (2) Dwelling Units exist side by side separated by a common or party wall.

SIGHT TRIANGLE. An area within which no vision-obstructing object is permitted above a height of two and one-half feet nor below a height of ten feet.

SIGN. Any device designed to inform or attract attention of persons not on the premises on which the sign is located. For purposes of this Ordinance, Sign does not include mail boxes, names of occupants, or other identifications not having commercial connotations; flags and insignias of governments; legal notices, signs giving direction or information required by governmental bodies, or signs directing or guiding traffic and parking without the use of an advertising matter.

SIGN, OFF-PREMISE. A sign which directs attention to products, accommodations, services, or activities offered at locations other than the property upon which the sign is erected or displayed.

SIGN, ON-PREMISE. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

SIGN, FREE-STANDING. An independently supported sign, not attached to any building.

SIGN, HEIGHT. The vertical distance measured from the lowest grade adjacent to the sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

SIGNS, NUMBER. For the purpose of determining number of signs, a sign shall be considered as a single display surface or device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, each element shall be considered a single sign.

SOCIAL AND RECREATION FACILITIES. A building, structure, lot or land area used for social and recreational activities, such as parks, golf courses, swimming pools, playgrounds, picnic grounds, social clubs and halls, etc., and include both Private and Public facilities, where admission fees, dues or other similar fees are collected.

SOLID WASTE. Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part

261, dated July 1, 1984, as amended.

SPECIAL EXCEPTION USE. A use for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of this Ordinance.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal. Acts of human masturbation, sexual intercourse or sodomy, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

STOCKYARD. A large yard area with pens or stables where cattle, sheep, swine or other livestock are kept ready for sale or shipping. The term includes slaughterhouses, but does not include any enterprise that meets the definition of agriculture.

STORMWATER CONTROL FACILITIES. Facilities used for the control, storage, retention, detention, or infiltration of stormwater runoff including, but not limited to, infiltration pits and basins, retention and detention basins. Stormwater control facilities shall be considered an accessory use to the principal use for which such facilities have been designed, intended, installed or constructed.

STORMWATER CONVEYANCE FACILITIES. Facilities used for the conveyance, collection and discharge of stormwater runoff including, but not limited to, swales, pipes, catch basins and inlets.

STREET OR ROAD. Includes any street, avenue, boulevard, thoroughfare, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic whether public or private.

PRIVATE STREET OR ROAD: An access way, not deeded or dedicated to, nor maintained by, the Township, that provides the primary vehicular access to a lot or lots. Any Private Street or Road in existence on the effective date of this Ordinance may continue to exist and may be extended to serve other lots existing at the effective date of this Ordinance. No Private Road or Street may be created after the effective date of this Ordinance, nor may any Private Road or Street be extended to serve a lot created after the effective date of this Ordinance.

APPROVED PRIVATE ROAD OR STREET. A legally established right-of-way, not deeded or dedicated to, nor maintained by, the Township, that provides the primary vehicular access to a lot or lots that have been created as part of an approved subdivision or land development plan. After the effective date of this Ordinance, only an Approved Private Street or Road may be created. All Approved Private Streets or Roads shall comply fully with the requirements of South Manheim Township Subdivision and Land Development Ordinance in effect at the time the subdivision or land development plan is approved.

PUBLIC ROAD OR STREET. A street or road which has been dedicated or deeded to, and accepted by, the Township or Commonwealth or which by custom and use, is maintained by the Township or Commonwealth.

STREET LINE. The dividing line between a lot and the outside boundary of a public street or street right-of-way, or between a lot and a private street which serves two or more separately owned homes or buildings. At a minimum, this line shall be considered to exist at a distance of 16.5 feet from the centerline of the cartway of a road..

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The term "structure" includes the term "building" For the purposes of this Ordinance, the term "STRUCTURE" shall specifically not include:

- | | | | |
|------------|-------------------------|-------------------|--------|
| »Lampposts | »Sidewalks and Walkways | »Fences and Gates | »Wells |
| »Mailboxes | »Landscaping Timbers | »Retaining Walls | |

» Temporary Agricultural structures, such as Loafing Sheds, Farm stands, livestock feeders and waterers, as well as dog houses, tree houses, hunting blinds and tree stands, firewood boxes, private playground equipment, and school bus shelters

SUBDIVISION. The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUPERVISORS. The Board of Supervisors of the Township of South Manheim, Schuylkill County, Pennsylvania

SWIMMING POOL, PRIVATE. Any receptacle or artificially constructed container for water, having a wall depth of over three (3) feet at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein used or intended to be used in connection with residences, available only to the family of the householder and his private guests, not open to the public or publicly owned, not owned and/or operated by any organization, partnership, or corporation, and not otherwise regulated by any statutes or by rules other than those of the Township. This shall include outdoor whirlpools, hot tubs or similar facilities. The term does not include natural or artificially constructed farm ponds.

SWIMMING POOL, PUBLIC OR SEMI-PUBLIC. Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, Motels, Hotels,

and other similar uses. The term does not include natural or artificially constructed farm ponds.

TELECOMMUNICATION FACILITIES. Facilities, not under the jurisdiction of the Public Utility Commission (PUC), which are used for the purpose of communications, which includes cellular, paging, wireless modems, personal communications service (PCS), and other wireless technologies. This term excludes personal ham radio operations.

TELECOMMUNICATIONS SIGNAL SITE. A tract or parcel of land that contains a telecommunications antenna as the principal use, its support structure, accessory building(s), equipment cabinet, and parking, and may include other uses associated with and ancillary to telecommunication signal transmission or processing at the tract.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like, and the structure and any support thereof.

TOWNHOUSE. A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced party walls, each dwelling having at least one separate entrance to the outside.

TOWNSHIP. The Township of South Manheim, Schuylkill County, Pennsylvania

TRAVEL TRAILER. A vehicular portable structure, which is licensed and registered as a motor vehicle, without skirting or permanent foundation, built or designed to be mounted on a chassis or wheels or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation, and/or vacation purposes.

TWO FAMILY DETACHED DWELLING. A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no common or party wall with an adjacent building.

USE. The specific purpose for which land, sign, structure, or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on, thereon or therein.

VARIANCE. A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship and when granting of the waiver would not be contrary to public interest.

WATER FACILITIES. All terms, expressions and words used in relation to water facilities shall be as defined in any and all applicable Pennsylvania Department of Environmental Protection, Rules, Regulations and other publications.

YARD. The required open unoccupied space on the same lot with a building. The space shall be open and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and not less in depth or width than the minimum required in each zoning district.

YARD, FRONT. An open, unoccupied space between the Front Lot Line and the Setback Line for any zoning district, and extending for the full width of the lot.

YARD, REAR. An open, unoccupied space between the rear lot line and a line drawn parallel thereto as such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot, except that in the case where the rear lot line is included within a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

YARD, SIDE. An open, unoccupied space between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from the front yard to the rear yard.

ZONING OFFICER. The duly constituted municipal official appointed by the Board of Supervisors and designated to administer and enforce the Zoning Ordinance of the Township.

ZONING ORDINANCE. The South Manheim Township Zoning Ordinance of 2004, as amended.

170 ZONING DISTRICTS

For the purposes of this Ordinance, the Township is hereby divided into the following Zoning Districts:

C - CONSERVATION DISTRICT

A - AGRICULTURAL DISTRICT

R - RURAL DISTRICT

LDR - LOW DENSITY RESIDENTIAL DISTRICT

HDR - HIGH DENSITY RESIDENTIAL DISTRICT

NC - NEIGHBORHOOD COMMERCIAL DISTRICT

HC - HIGHWAY COMMERCIAL DISTRICT

I - INDUSTRIAL DISTRICT

180 DISTRICT BOUNDARIES

181 Zoning Map

The boundaries of each District or zone are established as shown on the Official Zoning Map of the Township. The Official Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

182 Delineation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules apply:

Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, or alleys, such center lines shall be construed to be such boundaries.

Where district boundaries are indicated as approximately coinciding with plotted lot lines, such lot lines shall be construed to be such boundaries.

Where district boundaries are indicated as approximately coinciding with the center lines of streams, such center lines shall be construed to be such boundaries.

Boundaries indicated as approximately following Township limits shall be construed as following such limits.

Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered above, the Zoning Officer shall interpret the district boundaries with the benefit of the doubt to the landowner.

183 District Boundaries Dividing Properties

a. Where a district boundary line divides a lot, the portion of the lot within each district shall be subject to the provisions and regulations of that district.

b. The property owner shall, however, be allowed to apply the provisions and regulations of the other zoning district to that portion of the lot, but this shall be limited to one time.

c. In order to utilize the provisions of Section 183.b more than one time, approval from the Zoning Hearing Board in the form of a Special Exception shall be required.

190 APPLICATION OF DISTRICT REGULATIONS

No part of a lot area, yard, other open space, or off-street parking or loading space required in connection with one structure, building or use of land shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other structure, building, or use of the land except as permitted or required by this Ordinance or other Township Ordinance or regulations.

No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance which does not meet the minimum requirements of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.

Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be contiguous along one street line. It is prohibited, when calculating the width of the lot, to add widths along two street lines.

Where district regulations specify a minimum lot width at the setback line, the minimum lot width shall be contiguous along one building setback line. It is prohibited, when calculating the width of the lot, to add widths along two building setback lines.

Where a lot is formed from part of a lot already improved at the passage of this Ordinance, the separation shall not be made in a manner which results in the violation of any of the provisions of this Ordinance.

SECTION 200 C - CONSERVATION DISTRICT

210 STATEMENT OF INTENT

The intent of the Conservation District is to protect those portions of the Township which should be generally preserved in open space to protect the Township's most significant and highly sensitive natural features, namely, the sloped and contiguous wooded areas of the Blue Mountain and the floodplains of the Schuylkill River.

Since these areas form the headwaters of streams, and provide significant contiguous woodland and wildlife habitat, it is the intent of this district to limit development and alteration of the natural features of these ecologically important areas. By preserving these features, wildlife populations within the Township can be maintained, stream quality can be protected, the adverse effects of increased storm runoff, erosion and sedimentation minimized, and the recreation potential of the area maintained.

220 USES PERMITTED BY RIGHT

Land and buildings in a C District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 230, is granted.

- 220.01 Single Family Detached Dwellings
- 220.02 General Agriculture, as defined by this Ordinance.
- 220.03 Churches, Places of Worship, and Related Uses. Notwithstanding the provisions of section 240 of this Ordinance, the maximum Lot Coverage shall be 30% and the

maximum Cleared Area shall be 40%.

220.04 Home Occupation, subject to the requirements of Section 1039.

220.05 Municipal Use. Notwithstanding the provisions of section 240 of this Ordinance, the maximum Lot Coverage shall be 50% and the maximum Cleared Area shall be 60%.

220.06 Forestry

220.07 Woodland or game preserve, wildlife sanctuary or similar conservation use.

220.08 Home Premises Business, subject to the requirements of Section 1040.

220.09 Accessory Uses and Structures to the above permitted uses

230 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Conservation District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

230.01 Public utility, Telecommunications Facilities

230.02 Boarding, Lodging or Rooming House

230.03 Cultural and historical facilities, such as museums or historical monuments

230.04 Campground, subject to:

- a. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.
- b. The minimum area of a Campground shall be five (5) acres.
- c. There shall be a maximum of fifteen (15) travel trailer or tent sites per acre.
- d. Each trailer or camping site shall be a minimum of thirty (30) feet wide and have a minimum area of 3,000 square feet. No space shall be occupied so that a portion of a travel trailer or tent, including awning or other accessory attachment, shall be within ten (10) feet of any portion of any other travel trailer, tent, or building.
- e. Each trailer or camping site shall have at least thirty (30) feet frontage on a road contained within the Campground.
- f. No travel trailer or tent shall be located within fifty (50) feet of the boundary lines of the

Campground.

- g. Certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for in Section 1330 for the issuance of the original Certificate of Use and Occupancy.
- h. Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a Campground shall file with and receive approval by the Township Supervisors of a set of Campground regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a travel trailer or tent site by an individual tent site tenant; temporary or seasonal storage of travel trailers; policing to control noises and activities that might endanger the life, safety, or general welfare of other occupants and the owners and/or occupants of adjacent properties.
- i. All Campgrounds shall furnish centralized sanitary sewer, potable water, and garbage collection facilities. Such facilities shall be set back a minimum of 100 feet from any property lines, and shall be screened with a permanent vegetative screening from adjacent residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties which provide screening from ground level to a minimum height of eight (8) feet.
- j. Any accessory retail or service commercial uses shall be setback a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors, and shall have their sole access from the private, interior campground roads and not from any public street. Such uses and associated Parking Facilities shall be screened with a permanent vegetative screening from adjacent residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties which provide screening from ground level to a minimum height of eight (8) feet.

230.05	Sawmills
230.06	Intensive Agriculture, as defined by this Ordinance, subject to the requirements of Section 1033.01 of this Ordinance.
230.07	Schools, Elementary and Secondary, through and including the 8th grade only. Notwithstanding the provisions of section 240 of this Ordinance, the maximum Lot Coverage shall be 40% and the maximum Cleared Area shall be 50%.
230.08	Social and Recreation Facilities, provided the activities are all of an outdoor nature.
230.09	Bed-and-Breakfast
230.10	Accessory buildings and uses to the above Special Exception permitted uses

240 AREA, YARD, COVERAGE AND HEIGHT REGULATIONS

Maximum Permitted

Building Height	35 ft **
Lot Coverage	10 percent

Cleared Area:

Lot Area (Acres)	Maximum Amount
<=5	20% of Lot Area
>5 - <=10	1 acre + 10% of Lot Area over 5 acres
>10 - <=50	1.5 acres + 5% of Lot Area over 10 acres
>50	3.5 acres + 1% of Lot Area over 50 acres

Minimum Requirements

Lot Area	5 acre
Setback Line	50 ft.

Additional Setback Line from the Following Features

Wetland Boundaries	75 ft **
Surface Waters	100 ft **
Flood Plain Boundaries	75 ft **

Lot Width

At street line	250 ft
At setback line	250 ft
Rear Yard	60 ft **
Side Yard	
Total	80 ft **
One side	40 ft **

**** except Agricultural accessory structures and uses, which shall be 10 ft.**

SECTION 300 A - AGRICULTURAL DISTRICT

310. STATEMENT OF INTENT

The intent of the Agricultural Preservation District is as follows:

- 310.01 To protect and promote the continuation of agriculture in areas with agricultural lands, per the Governor's Executive Order of October 14, 1997. Those areas being Preserved Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974, As Amended (Clean and Green) or Act 515 of 1996, As Amended, and Land Capability Classes I, II, III and IV and other soils of statewide importance as defined by the Natural Resources Conservation Service.
- 310.02 To support the Governor's Executive Order regarding the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource across the Commonwealth of Pennsylvania.
- 310.03 To strengthen and preserve strong agricultural activity because farming is a viable component of the local economy.
- 310.04 To ensure that regulation of activities related to commercial agricultural production do not impose restrictions on changes or expansions of agricultural operations that are necessary to maintain the viability of such operations.
- 310.05 To ensure that regulation of activities related to commercial agricultural production under this Ordinance do exceed the requirements imposed under the following state laws:
- The Act of May 20, 1993 (P.L. 12, No. 6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act";
 - The Act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law"; or
 - The Act of June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," or
- and do not impose restrictions or requirements on agriculture that are preempted by other Federal or State laws.
- 310.06 To promote agricultural land uses and activities and other uses and activities which act in direct support of agriculture. To protect and stabilize the essential characteristics

of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, and to limit development which requires highways and other public facilities in excess of those required by agricultural uses.

- 310.07 To maintain, protect and stabilize agriculture as an on-going economic activity by permitting those land uses and activities which are either agricultural in nature or act in direct support thereof.
- 310.08 To maintain the land resource base, that is, agricultural parcels or farms in sizes which will permit agricultural operations.
- 310.09 To minimize the potential negative impact on agricultural activities by incompatible land uses.
- 310.10 The regulations set forth in this section seek to achieve the protection of land for agricultural purposes which is a legitimate zoning objective under the Municipalities Planning Code.
- 310.11 To further Sections 603(b)(5) and 604(3) of the Municipalities Planning Code, which direct that zoning ordinances contain provisions designed to preserve agriculture and farmland.
- 310.12 To recognize that farming and agriculture activities are the highest, best and a fully developed land use.
- 310.13 To put into action the goals of the South Manheim Township Comprehensive Plan which contains the goal of preserving agriculture and farmlands and promoting them as a part of the local economy.

320 USES PERMITTED BY RIGHT

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted by right in the Agricultural Preservation District, provided that all other applicable requirements of this Ordinance are satisfied.

- 320.01 General Agriculture, as defined by this Ordinance.
- 320.02 Intensive Agriculture, as defined by this Ordinance, subject to the provisions of Section 1033.01 of this Ordinance.
- 320.03 Farm Stand, subject to the following:
 - (a) Direct commercial sales of agricultural commodities upon property owned and operated by a landowner who produces not less than 50% of the commodities sold shall be authorized. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.

(b) The structure from which the products are displayed does not exceed nine hundred (900) square feet and is located at least fifty (50) feet from the center line of the road and seventy-five (75) feet from the center of nearest intersection.

(c) All parking shall be located outside the road right-of-way.

320.04 Woodland or game preserve, wildlife sanctuary or similar conservation use.

320.05 Home Occupation, subject to the provisions of section 1039 of this Ordinance.

320.06 Municipal Use. Notwithstanding the provisions of section 350 of this Ordinance, there shall be no minimum Lot Size, and the maximum Lot Coverage shall be 70%.

320.07 Forestry

320.08 Home Premises Business, subject to the requirements of Section 1040.

(a) Multiple Home Premises businesses shall be permitted by special exception provided each business can independently satisfy all the provisions of section 1040 of this Ordinance.

320.09 Social and recreation facilities

320.10 Single Family Detached Dwellings.

320.11 Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

330 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Agricultural District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

330.01 Highly Intensive Agriculture, as defined by this Ordinance, subject to the provisions of Section 1033.01 of this Ordinance

330.02 Public utility uses.

(a) Notwithstanding the provisions of section 350 of this Ordinance, the minimum lot size for a public utility land use shall be one (1) acre.

330.03 Telecommunication Facilities.

(a) Notwithstanding the provisions of section 350 of this Ordinance, the minimum lot size for a Telecommunication Facility land use shall be one (1) acre.

- (b) Telecommunication Facilities are subject to the provisions of section 1038 of this Ordinance and all other applicable Township Ordinances.

330.04 Animal hospitals and veterinary facilities, and kennels.

- (a) All structures used by animal hospitals, veterinary facilities, or kennels that house animals shall be located at least 200 feet from all lot lines.
- (b) Outdoor pens, feed yards, and runs used by animal hospitals, veterinary facilities or kennels shall be 200 feet from any residential lot line.
- (c) All kennels shall comply with all applicable state laws and regulations.
- (d) Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond the lot boundaries.
- (e) No dogs shall be permitted outdoors between the hours of 9:00 p.m. and 6:00 a.m.
- (f) Notwithstanding the provisions of section 350 of this Ordinance, the minimum lot size for animal hospital, veterinary facility, or kennel land uses shall be four (4) acres.

330.07 Mushroom production

- (a) The production, processing or cultivation of mushrooms shall be construed as Highly Intensive Agriculture and shall be subject to the requirements of section 1033.01 of this Ordinance.
- (b) Mushroom houses shall be operated only under the guidelines set forth in "Best Practices for Environmental Protection in the Mushroom Farm Community" (Department of Environmental Protection, document # 254-401-001, December 1997), as amended.
- (c) Housing for mushroom industry workers shall not be permitted except in single-family detached dwellings as provided in this Ordinance.

330.08 Sawmills

- (a) Notwithstanding the provisions of section 350 of this Ordinance, the minimum lot size for a sawmill land use shall be ten (10) acres.

330.09 Other agriculture or plant and animal production land uses not specifically set forth within this Ordinance

330.10 Schools, Elementary and Secondary, through and including the 8th grade only. Notwithstanding the provisions of section 350 of this Ordinance, the minimum Lot

Size shall be one (1) acre, the maximum Lot Size shall be three (3) acres, and the maximum Lot Coverage shall be 50%.

330.11 Churches, Places of Worship, and Related Uses. Notwithstanding the provisions of section 350 of this Ordinance, the minimum Lot Size shall be one (1) acre, the maximum Lot Size shall be three (3) acres, and the maximum Lot Coverage shall be 50%.

330.12 Bed-and-Breakfast

330.13 Cultural and historical facilities, such as museums or historical monuments

330.14 Boarding, Lodging or Rooming House

330.15 Social and Recreation Facilities.

331 Land Development/ Subdivision Plans

331.01 All subdivision and/or land development plans shall include a conspicuous Agricultural Use Notification as follows: "All lands within the Agricultural Preservation District, as designated by the South Manheim Township Zoning Ordinance of 2004, as amended, are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations."

340 RESERVED

A- Agricultural District

350

AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS

	Non-Residential Uses	On-lot Sewage Disposal Single Family Detached Dwellings
<u>Maximum Permitted</u>		
Height	35 Feet	35 Feet
Lot Coverage	25 Percent	25 Percent
<u>Minimum Required</u>		
Lot Size	2 Acres*	2 Acres
Lot Width		
At Street Line	150 Feet	150 Feet
At Setback Line	150 Feet	150 Feet
Rear Yard	40 Feet **	30 Feet
Setback Line	40 Feet **	30 Feet
Side Yard		
Total	50 Feet **	50 Feet
One Side	25 Feet **	25 Feet

* unless otherwise specified

** except Agricultural accessory structures and uses, which shall be 10 ft.

SECTION 400 R - RURAL DISTRICT

410 STATEMENT OF INTENT

The intent of the Rural District is to promote a continuation of the rural uses of the area, which is characterized by a mixture of agricultural and sparsely developed residential uses.

420 USES PERMITTED BY RIGHT

Land and buildings in an R District may be used for the following purposes and no others

unless a Special Exception, as provided for in Section 430, is granted.

- 420.01 Single Family Detached Dwellings
- 420.02 General Agriculture, as defined by this Ordinance.
- 420.03 Churches, Places of Worship, and Related Uses. Notwithstanding the provisions of section 440 of this Ordinance, the maximum Lot Coverage shall be 30% and the maximum Cleared Area shall be 40%.
- 420.04 Home Occupation, subject to the requirements of Section 1039.
- 420.05 Municipal Use. Notwithstanding the provisions of section 440 of this Ordinance, the maximum Lot Coverage shall be 50% and the maximum Cleared Area shall be 60%.
- 420.06 Forestry
- 420.07 Social and Recreation Facilities
- 420.08 Home Premises Business, subject to the requirements of Section 1040.
- 420.09 Accessory Uses and Structures to the above permitted uses

430 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Rural District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

- 430.01 Public utility, Telecommunications Facilities
- 430.02 Boarding, Lodging or Rooming House
- 430.03 Intensive Agriculture, as defined by this Ordinance, subject to the requirements of Section 1033.01 of this Ordinance.
- 430.04 Schools, Elementary and Secondary, through and including the 8th grade only. Notwithstanding the provisions of section 440 of this Ordinance, the maximum Lot Coverage shall be 40% and the maximum Cleared Area shall be 50%.
- 430.05 Social and Recreation Facilities
- 430.06 Bed-and-Breakfast
- 430.07 Cultural and historical facilities, such as museums or historical monuments

430.08 Accessory buildings and uses to the above Special Exception permitted uses

435 Land Development/ Subdivision Plans

435.01 All subdivision and/or land development plans shall include a conspicuous Agricultural Use Notification as follows: "All lands within the Rural District, as designated by the South Manheim Township Zoning Ordinance of 2004, as amended, are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations."

440 **AREA, YARD, COVERAGE AND HEIGHT REGULATIONS**

Maximum Permitted

Building Height	35 ft
Lot Coverage	10 percent

Minimum Requirements

Lot Area	2 acre
Setback Line	50 ft
Lot Width	
At street line	100 ft
At setback line	150 ft
Rear Yard	40 ft **
Side Yard	
Total	60 ft **
One side	30 ft **

** except Agricultural accessory structures and uses, which shall be 10 ft.

SECTION 500 LDR - LOW DENSITY RESIDENTIAL

510 STATEMENT OF INTENT

The Low Density Residential District has been established to allow for primarily single-family residential development on lots served by on-lot water and sewer. This district is comprised of Lake Wynonah and areas adjacent to the Boroughs of Landingville and Auburn.

520 USES PERMITTED BY RIGHT

Land and buildings in an LDR District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 530, is granted:

- 520.01 Single Family Detached Dwelling
- 520.02 Churches, Places of Worship, and Related Uses
- 520.03 Home Occupation, subject to the requirements of Section 1039.
- 520.04 Municipal Use
- 520.05 Forestry
- 520.06 Home Premises Business, subject to the requirements of Section 1040.
- 520.07 Accessory Uses to the above permitted uses.

530 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the LDR District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

- 530.01 Day Care, School
- 530.02 Fire station
- 530.03 Public utility, or Telecommunications Facility
- 530.04 Bed-and-Breakfast
- 530.05 Residential conversion, subject to Section 1032 of this Ordinance

- 530.06 Cultural and historical facilities, such as museums or historical monuments
- 530.07 Boarding, Lodging or Rooming House
- 530.08 Social and Recreational Facilities
- 530.09 Accessory buildings and uses to the above permitted Special Exception uses.

540 AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS

<u>MAXIMUM PERMITTED</u>	Non-Residential	Single Family Detached Dwelling
BUILDING HEIGHT	35 FEET	35 FEET
LOT COVERAGE	70%	25%

<u>MINIMUM REQUIREMENTS</u>	Non-Residential	Single Family Detached Dwelling
LOT AREA	2 ACRE*	2 ACRE*
SETBACK LINE	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET
REAR YARD	35 FEET	10 FEET
SIDE YARD	15 FEET EACH	10 FEET EACH

* With Public Water, 1 acre

SECTION 600 HDR - HIGH DENSITY RESIDENTIAL DISTRICT

610 STATEMENT OF INTENT

The High Density Residential District has been established to allow for all types of residential development. The higher density development would be limited to areas served by public/community water and/or sewer. This district is comprised of an area immediately adjacent to the Borough of Landingville.

620 USES PERMITTED BY RIGHT

Land and buildings in an HDR District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 630, is granted:

- 620.01 Single Family Detached Dwelling
- 620.02 Single Family Semi-Detached Dwelling
- 620.03 Two Family Detached Dwelling

620.04 Apartment Buildings and Townhouses, subject to:

- a. Public or community sewer, and water, facilities shall be provided.
- b. Minimum lot area shall be one acre.
- c. The overall density of the development shall not exceed eight dwelling units per acre.
- d. The maximum building height shall be thirty-five (35) feet.
- e. Open space requirements shall follow the requirements set forth in the South Manheim Township Subdivision and Land Development Ordinance, as amended.
- f. A system for pedestrian circulation throughout the development shall be provided.
- g. The maximum length of an Apartment Building shall be 165 feet.
- h. The number of Townhouses within a continuous grouping shall not exceed eight.
- i. No Apartment Building shall be located within forty (40) feet of a property line of the development.
- j. No Apartment Building shall be located within forty (40) feet of another dwelling.
- k. A Townhouse shall be located at least forty (40) feet from any dwelling which is not in the same row of Townhouses.
- l. No Townhouse shall be located within twenty-five (25) feet of any street right-of-way line.
- m. No Apartment Building shall be located within forty (40) feet of any street right-of-way.
- n. No more than forty percent (40%) of the total area of the development shall be covered by buildings.
- o. No more than thirty percent (30%) of the total area of the development shall consist of paved or other non-vegetated surface.
- p. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash shall be contained in air-tight, vermin-proof containers.
- q. Common Parking Facilities shall not be designed or located to require cars to back into streets in order to leave the Parking Facilities. All dead-end Parking Facilities shall provide adequate areas into which cars parked in the end stalls of the lots may back.
- r. Common Parking Facilities and access drives shall be located a minimum of ten (10) feet from all structures. Common parking areas shall be a minimum of fifteen (15) feet from all street rights-of-way and from the exterior lot lines of the development.

- s. Entrance and exit ways to Parking Facilities shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
- t. In the case of Townhouses for sale where the sale of land with the Townhouse will not be limited to the land actually covered by the Townhouse, the following regulations shall apply to the Townhouse lot:
 - Minimum lot width 18 feet
 - Minimum lot area 2000 sq. ft.
 - Minimum rear yard 25 feet
 - Minimum side yard (end of row) 20 feet
- u. Parking Facilities shall be designed to prevent through-traffic to other Parking Facilities. No more than sixty (60) Parking Spaces shall be accommodated in any one Parking Facility and all Parking Facilities shall be landscaped in accordance with the provisions of the South Manheim Township Subdivision and Land Development Ordinance.
- v. Entrances to and exits from common Parking Facilities shall be located a minimum of eighty (80) feet from the point of intersection of the nearest street curb lines.
- w. All common Parking Facilities and all access drives serving the Parking Facilities shall be paved with a bituminous or concrete surface.

- 620.05 Churches, Places of Worship, and Related Uses
- 620.06 Home Occupation, subject to the requirements of Section 1039.
- 620.07 Public Social and Recreation Facilities
- 620.08 Municipal Use
- 620.09 Cultural and historical facilities, such as museums or historical monuments
- 620.10 Forestry
- 620.11 Home Premises Business, subject to the requirements of Section 1040.
- 620.12 Accessory Uses to the above permitted uses.

630 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the HDR District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant

provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

- 630.01 Day Care, School
- 630.02 Fire station
- 630.03 Hospital; Nursing, Rest or Retirement Home
- 630.04 Public utility, or Telecommunications Facility
- 630.05 Principal Parking Facilities.
- 630.06 Bed-and-Breakfast
- 630.07 Residential conversion, subject to Section 1032 of this Ordinance
- 630.08 Mobilehome Park, subject to:

- a. The minimum area of a Mobilehome Park shall be ten (10) acres.
- b. When the Mobilehome Park is served by either a public or community sewage disposal system and by either a public or community water supply system, there shall be a maximum gross density of five (5) dwelling units per acre, the minimum area of a Mobilehome Lot shall be five thousand (5,000) square feet, the minimum lot width at the street line shall be thirty (30) feet, and the minimum lot width at the building setback line shall be forty (40) feet. In all other cases, each Mobilehome shall be placed on a lot which shall meet the requirements listed in Section 640 for Single Family Detached Dwellings.
- c. Open Space and recreation requirements shall meet the requirements set forth in the South Manheim Township Subdivision and Land Development Ordinance, but in no case shall the amount of area set aside for open space be less than 15% of the total area of the Mobilehome Park, said total area shall include all Mobilehome Lots, Streets and any associated feature, facility or improvement related to the Mobilehome Park. Open Space area shall NOT include stormwater management facilities, streets, and individual lots.
- d. The minimum allowable distance between any Mobilehome, service or accessory building, or Parking Facility and a boundary line of the Mobilehome Park shall be thirty (30) feet, provided that no Mobilehome shall be located closer than fifty (50) feet to any street located outside the boundary lines of the park. No Mobilehome shall be located closer than twenty-five (25) feet to any street located within the boundary lines of the Mobilehome Park. The minimum allowable distance between any Mobilehome and another Mobilehome, service or accessory building, or common Parking Facility shall be thirty (30) feet.
- e. Two off-street Parking Spaces shall be provided for each Mobilehome.

- f. The limits of each Mobilehome Lot shall be clearly marked on the grounds by permanent flush stakes, markers, or other suitable means.
- g. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.
- h. All other required improvements shall be in accordance with the South Manheim Township Subdivision and Land Development Ordinance and any and all other applicable Township, State and other regulatory agency requirements.

630.09 Boarding, Lodging or Rooming House

630.10 Group Home

630.11 Accessory buildings and uses to the above permitted Special Exception uses.

640 AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS

SECTION 640 - PUBLIC OR COMMUNITY SEWER, AND PUBLIC OR COMMUNITY WATER

MAXIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Building Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	70 %	30 %	40 %	40 %
MINIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Lot Area	10,000 SF	8,700 SF	12,000 SF	12,000 SF
Setback Line	25 feet	25 feet	25 feet	25 feet
Lot Width @ Street Line	80 feet	50 feet	50 feet	50 feet
Lot Width @ Setback Line	80 feet	70 feet	60 feet	70 feet
Rear Yard	30 feet	25 feet	25 feet	25 feet
Side Yard	10 feet each	10 feet each	20 feet each	20 feet each

SECTION 640 - ON-LOT SEWER, AND ON-LOT WATER

MAXIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Building Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	70 %	25 %	20 %	20 %
MINIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Lot Area	2 Acres	2 Acres	2 Acres	2 Acres
Setback Line	25 feet	25 feet	25 feet	25 feet
Lot Width @ Street Line	100 feet	70 feet	90 feet	90 feet
Lot Width @ Setback Line	100 feet	100 feet	100 feet	120 feet
Rear Yard	35 feet	30 feet	30 feet	30 feet
Side Yard	15 feet each	15 feet each	20 feet total	20 feet total

SECTION 640 - PUBLIC OR COMMUNITY SEWER, AND ON-LOT WATER

MAXIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Building Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	70 %	25 %	30 %	30 %
MINIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Lot Area	15,000 SF	15,000 SF	15,000 SF	15,000 SF
Setback Line	25 feet	25 feet	25 feet	25 feet
Lot Width @ Street Line	100 feet	70 feet	60 feet	70 feet
Lot Width @ Setback Line	100 feet	100 feet	70 feet	120 feet
Rear Yard	35 feet	30 feet	30 feet	30 feet
Side Yard	15 feet each	15 feet each	20 feet total	20 feet total

SECTION 640 - ON-LOT SEWER, AND PUBLIC OR COMMUNITY WATER

MAXIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Building Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	70 %	25 %	30 %	30 %
MINIMUM PERMITTED	Non-Residential	Single-Family Detached Dwelling	Single-Family Semi-Detached Dwelling	Two-Family Detached Dwelling
Lot Area	1 Acre	1 Acre	1 Acre	1 Acre
Setback Line	25 feet	25 feet	25 feet	25 feet
Lot Width @ Street Line	100 feet	70 feet	60 feet	70 feet
Lot Width @ Setback Line	100 feet	100 feet	70 feet	120 feet
Rear Yard	35 feet	30 feet	30 feet	30 feet
Side Yard	15 feet each	20 feet each	20 feet total	20 feet total

SECTION 700 NC - NEIGHBORHOOD COMMERCIAL DISTRICT**710 STATEMENT OF INTENT**

The NC District has been established to permit a mixture of commercial uses for a limited area. This district is comprised of an area adjacent to the Lake Wynonah development.

720 USES PERMITTED BY RIGHT

Land and buildings in an NC district may be used for the following purposes and no others unless a special exception, as provided for in section 730, is granted:

- 720.01 Churches, Places of Worship, and Related Uses
- 720.02 Home Occupation, subject to the requirements of Section 1039.
- 720.03 Public Social and Recreation Facilities
- 720.04 Municipal Use
- 720.05 Cultural and historical facilities, such as museums or historical monuments
- 720.06 Forestry
- 720.07 Social and Recreation Facilities, provided that such facilities will not be used for gunning, trap shooting, or similar purpose and will not be used for the operation of motor vehicles.
- 720.08 Public utility, Telecommunications Facility
- 720.09 Retail Store, including Convenience Stores
- 720.10 Office.
- 720.11 Medical Office Buildings.
- 720.12 Financial Institutions.
- 720.13 Electronics and Appliance Repair businesses.
- 720.14 Home Premises Business, subject to the requirements of Section 1040.
- 720.15 General Agriculture
- 720.16 Accessory Uses to the above permitted uses.

730 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the NC District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

- 730.01 Day Care, School
- 730.02 Fire station
- 730.03 Bed-and-Breakfast
- 730.04 Residential conversion, subject to Section 1032 of this Ordinance

730.05 Restaurant, Restaurant - Drive-Thru or Fast Food.

730.06 Boarding, Lodging or Rooming House

730.07 Group Home

730.08 Health and Recreation Club

730.09 Animal hospitals, veterinary facilities, and kennels.

(a) All structures used by animal hospitals, veterinary facilities, or kennels that house animals shall be located at least 200 feet from all lot lines.

(b) Outdoor pens, feed yards, and runs used by animal hospitals, veterinary facilities or kennels shall be 200 feet from any residential lot line.

(c) All kennels shall comply with all applicable state laws and regulations.

(d) Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond the lot boundaries.

(e) No dogs shall be permitted outdoors between the hours of 9:00 p.m. and 6:00 a.m.

(f) Notwithstanding the provisions of section 350 of this Ordinance, the minimum lot size for animal hospital, veterinary facility, or kennel land uses shall be four (4) acres.

730.10 Single Family Detached Dwellings

730.11 Accessory buildings and uses to the above permitted Special Exception uses.

735 Land Development/ Subdivision Plans

735.01 All subdivision and/or land development plans shall include a conspicuous Agricultural Use Notification as follows: "All lands within the Neighborhood Commercial District, as designated by the South Manheim Township Zoning Ordinance of 2004, as amended, are located in an area where land is used for commercial agricultural production and other commercial uses. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience and discomfort arising from normal and accepted commercial practices associated with the commercial uses permitted within this zoning district, and may be subjected to occasional inconvenience and discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and

pesticides. Owners, occupants and users of this property should be prepared to accept such conditions from commercial uses and from agricultural uses, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations."

740 AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS

Maximum Permitted

Building Height	50 ft
Lot Coverage	70 percent

Minimum Requirements

Lot Area	2 acre (on-lot sewage)
	1 acre (public sewer)

Setback Line	50 ft
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Lot Width

At street line	120 ft
At setback line	120 ft

Rear Yard	50 ft **
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Side Yard

Total	40 ft **
One side	20 ft **

Distance between Highway

Access Points	150 feet
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** except Agricultural accessory structures and uses, which shall be 10 ft.

750 RESERVED

760 PERFORMANCE STANDARDS FOR ALL USES PERMITTED WITHIN THE NEIGHBORHOOD COMMERCIAL DISTRICT

For all uses permitted by right or by special exception within the Neighborhood Commercial zoning district, the applicant shall demonstrate the ability to comply with each

of the applicable following standards:

760.01 Air Management

- a. Open burning is not permitted.
- b. No gases, vapors, or particulates shall be emitted from the facility which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors or particulates originate.
- c. No radioactive vapors or gases shall be emitted from the facility in amounts which are harmful.
- d. No odors causing annoyance or discomfort to the public shall be detectable beyond the lot lines of the lot on which such odors originate.
- e. The emission of any smoke at a density to the Method 9 federal guidelines of the EPA Air Quality Program) for any three (3) minute period, but at no time may the opacity be greater than sixty percent (60%). This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack.)

760.02 Waste Water Management

- a. Effluent must meet standards set by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- b. In no case shall potentially dangerous effluent from plant operations be discharged.

760.03 Solid Waste Management

- a. No permanent storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be screened from view from all adjacent properties. This provision excludes General Agriculture.
- b. All State, Federal and other applicable laws and regulations shall be complied with.

760.04 Noise and Vibration

- (1) Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set

for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Sound Levels by Receiving Land Use

<u>Zoning or use of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leq) Limit</u>
Residential, Agricultural, or Commercial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	50 dBA
	plus Sundays and legal holidays	
Industrial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	65 dBA
	plus Sundays and legal holidays	

If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

The emission of sound for the purpose of alerting persons to the existence of an emergency.

Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.

Construction operations.

Lawn and landscaping maintenance equipment.

Motor vehicle operations.

Agricultural Operations

- (2) No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

- a. No lighting shall be utilized in a manner which produces a reading of greater than 1 foot candle beyond the lot lines adjacent to an existing residential property or adjacent to a zoning district which permits residential uses.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.
- c. No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes beyond the lot lines.

760.06 Electromagnetic

- a. No electromagnetic radiation shall be radiated that does not comply with the regulation of the FCC (Federal Communication Commission).

760.07 Environmental Compliance

- a. Any and all Uses Permitted By Right or by Special Exception shall comply with all regulations of the Pennsylvania Department of Environmental Protection, and any and all other applicable regulatory agency.

SECTION 800 HC - HIGHWAY COMMERCIAL DISTRICT

810 STATEMENT OF INTENT

The HC District has been established to permit a mixture of commercial and retail uses, as well as a limited number of light industrial uses. This district is comprised of areas along PA Route 895.

820 USES PERMITTED BY RIGHT

Land and buildings in an HC district may be used for the following purposes and no others unless a special exception, as provided for in section 830, is granted:

- 820.01 Retail Store, including Convenience Stores and Shopping Centers.
- 820.02 Office.
- 820.03 Medical Office Buildings.
- 820.04 Financial Institutions.
- 820.05 Electronics and Appliance Repair businesses.
- 820.06 Restaurant, Restaurant - Drive-Thru or Fast Food.

- 820.07 Automobile Sales, Automobile and Small Engine Equipment Repair
- 820.08 Hotel or Motel.
- 820.09 Public Social and Recreation Facilities
- 820.10 Amusement and Entertainment Establishments.
- 820.11 Social and Recreation Facilities, provided that such facilities will not be used for gunning, trap shooting, or similar purpose and will not be used for the operation of motor vehicles.
- 820.12 Municipal Use
- 820.13 Public utility, Telecommunications Facility
- 820.14 Funeral Home
- 820.15 Forestry
- 820.16 Churches, Places of Worship, and Related Uses
- 830.17 Fire station
- 820.18 Home Occupation, subject to the provisions of section 1039 of this Ordinance.
- 820.18 Cultural and historical facilities, such as museums or historical monuments
- 820.19 Home Premises Business, subject to the requirements of Section 1040.
- 820.20 Accessory uses and buildings to the above permitted uses.
- 820.21 General Agriculture.

830 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Highway Commercial District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

- 830.01 Automobile Filling Station.
- 830.02 Principal Parking Facilities.
- 830.03 Car wash, subject to:

- a. No water used in the washing of cars shall be discharged onto public roads or onto

other properties.

- b. Car washing activities shall be carried out within a building.
- c. An approach drive or parking area to accommodate a minimum of four (4) cars per bay shall be constructed, except in the case of a facility where only one (1) bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight (8) cars.

830.04 Mini-warehouse

830.05 Flea Market

830.06 Bed-and-Breakfast

830.07 Buildings in excess of the maximum permitted building height listed in Section 840.

830.08 Health and Recreation Club

830.08 Single-family Detached Dwellings

830.09 Accessory uses and buildings to the above permitted uses.

835 Land Development/ Subdivision Plans

835.01 All subdivision and/or land development plans shall include a conspicuous Agricultural Use Notification as follows: "All lands within the Neighborhood Commercial District, as designated by the South Manheim Township Zoning Ordinance of 2004, as amended, are located in an area where land is used for commercial agricultural production and other commercial uses. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience and discomfort arising from normal and accepted commercial practices associated with the commercial uses permitted within this zoning district, and may be subjected to occasional inconvenience and discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions from commercial uses and from agricultural uses, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations."

840 AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS

Maximum Permitted

Building Height 50 ft

Lot Coverage 70 percent

Minimum Requirements

Lot Area 2 acre (on-lot sewage)

1 acre (public sewer)

Setback Line 50 ft **

Minimum Requirements, cont.

Lot Width

At street line 120 ft

At setback line 120 ft

Rear Yard 50 ft

Side Yard

Total 40 ft **

One side 20 ft **

Distance between Highway

Access Points 150 feet

** except Agricultural accessory structures and uses, which shall be 10 ft.

850 RESERVED

860 PERFORMANCE STANDARDS FOR ALL USES PERMITTED WITHIN THE HIGHWAY COMMERCIAL DISTRICT

For all uses permitted by right or by special exception within the Highway Commercial zoning district, the applicant shall demonstrate the ability to comply with each of the applicable following standards:

860.01 Air Management

- a. Open burning is not permitted. This provision excludes General Agriculture
- b. No gases, vapors, or particulates shall be emitted from the facility which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors or particulates originate.
- c. No radioactive vapors or gases shall be emitted from the facility in amounts which are harmful.
- d. No odors causing annoyance or discomfort to the public shall be detectable beyond the lot lines of the lot on which such odors originate.
- e. The emission of any smoke at a density to the Method 9 federal guidelines of the EPA Air Quality Program) for any three (3) minute period, but at no time may the opacity be greater than sixty percent (60%). This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack.)

860.02 Waste Water Management

- a. Effluent must meet standards set by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- b. In no case shall potentially dangerous effluent from plant operations be discharged.

860.03 Solid Waste Management

- a. No permanent storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be screened from view from all adjacent properties. This provision excludes General Agriculture.
- b. All State, Federal and other applicable laws and regulations shall be complied with.

860.04 Noise and Vibration

- (1) Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-

minute period.

Sound Levels by Receiving Land Use :

<u>Zoning or use of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leg) Limit</u>
Residential, Agricultural, or Commercial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	
	plus Sundays and legal holidays	50 dBA
Industrial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	
	plus Sundays and legal holidays	65 dBA

If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

The emission of sound for the purpose of alerting persons to the existence of an emergency.

Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.

Construction operations.

Lawn and landscaping maintenance equipment.

Motor vehicle operations.

Agricultural operations

- (2) No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

860.05 Visual

- a. No lighting shall be utilized in a manner which produces a reading of greater than 1 foot candle beyond the lot lines adjacent to an existing residential property or adjacent to a zoning district which permits residential uses.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any

effect from the heat beyond the lot lines of the lot on which the operation is located.

- c. No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes beyond the lot lines.

860.06 Electromagnetic

- a. No electromagnetic radiation shall be radiated that does not comply with the regulation of the FCC (Federal Communication Commission).

860.07 Environmental Compliance

- a. Any and all Uses Permitted By Right or by Special Exception shall comply with all regulations of the Pennsylvania Department of Environmental Protection, and any and all other applicable regulatory agency.

SECTION 900 I - INDUSTRIAL DISTRICT

910 STATEMENT OF INTENT

The Industrial District has been established to permit a mixture of industrial, commercial and retail uses. Due to topography constraints, including steep slopes, lack of supporting transportation network, and lack of utility services, suitable area for such development is limited to an area adjacent to PA Route 895 and the Auburn Borough line.

920 USES PERMITTED BY RIGHT

Land and buildings in the Industrial district may be used for the following purposes and no others unless a special exception, as provided for in section 930, is granted:

- 920.01 Office.
- 920.02 Medical Office Buildings.
- 920.03 Financial Institutions.
- 920.04 Electronics and Appliance Repair businesses.
- 920.05 Automobile Sales, Automobile and Small Engine Equipment Repair
- 920.06 Terminal, storage, or transfer facilities for trucking or railroad operations
- 920.07 Research establishment or laboratory.
- 920.08 Amusement and Entertainment Establishments.

- 920.09 Municipal Use, fire station
- 920.10 Wholesaling, distribution, warehousing and storage businesses.
- 920.11 Printing, publishing, lithography and bookbinding.
- 920.12 Laundry or dry cleaning plant.
- 920.13 Public utility, Telecommunications Facility
- 920.14 General Agriculture.
- 920.15 Intensive Agriculture, as defined by this Ordinance, as defined by this Ordinance, subject to the requirements of Section 1033.01 of this Ordinance.
- 920.16 Building materials sales and storage.
- 920.17 Manufacturing, compounding, processing, packaging, and treating of products, subject to section 960.
- 920.18 Heavy Machinery and Equipment Repair businesses
- 920.19 Funeral Home
- 920.20 Forestry
- 920.21 Home Occupation, subject to the provisions of section 1039 of this Ordinance.
- 920.22 Home Premises Business, subject to the requirements of Section 1040.
- 920.23 Accessory uses and buildings to the above permitted uses.

930 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Industrial Commercial District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

- 930.01 Automobile Filling Station.
- 930.02 Principal Parking Facilities.
- 930.03 Car wash, subject to:
 - a. No water used in the washing of cars shall be discharged onto public roads or onto other properties.

- b. Car washing activities shall be carried out within a building.
- c. An approach drive or parking area to accommodate a minimum of four (4) cars per bay shall be constructed, except in the case of a facility where only one (1) bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight (8) cars.

930.04 Bus passenger station, including the storage and repair of buses.

930.05 Junk yard, subject to:

- a. The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
- b. No garbage or organic waste shall be stored.
- c. Whenever any motor vehicle or part thereof shall be received in the junk yard, and shall not be held for resale as an operating unit, all gasoline and oil shall be removed from the motor vehicle or part thereof within seven (7) calendar days.
- d. The manner of storage and arrangement of materials shall be such as to provide for adequate access for fire fighting purposes.
- e. The manner of storage, arrangement of materials, and drainage facilities shall be such as to prevent the accumulation or stagnant water upon the premises.
- f. No open burning whatsoever shall be permitted.
- g. All junk yards shall be completely enclosed, except at entrances, by a Landscape Screen, as herein defined, which shall be backed by a fence at least six (6) feet in height. The fence shall contain gates at all entrances which shall be locked except during operating hours.
- h. No materials shall be stored less than twenty-five (25) feet from any street outside the property on which the junk yard is located and no materials shall be stored less than twenty-five (25) feet from a lot line of the lot on which the junk yard is located.
- i. No materials stored within the junk yard shall be stacked to a height exceeding the height of the evergreen planting screen enclosing the junk yard, provided that in no case shall materials be stacked to a height exceeding ten (10) feet.
- j. The construction and operation of a junk yard shall be subject to conditions set forth in any and all other South Manheim Township Ordinances and Regulations that may be adopted from time to time.

930.06 Penal Institution, subject to Section 1036 of this Ordinance.

- 930.07 Highly Intensive Agriculture, as defined by this Ordinance, subject to the provisions of Section 1033.01 of this Ordinance.
- 930.08 Adult Book Store, pursuant to the provisions of Section 1034 of this Ordinance.
- 930.09 Adult Motion Picture Theater, pursuant to the provisions of Section 1034 of this Ordinance.
- 930.10 Massage Establishment, pursuant to the provisions of Section 1034 of this Ordinance.
- 930.11 Cabaret, pursuant to the provisions of Section 1034 of this Ordinance.
- 930.12 Mini-warehouse
- 930.13 Sanitary landfill, subject to:
- a. The operation of a sanitary landfill shall not be permitted unless a permit for such landfill has been issued by the Pennsylvania Department of Environmental Protection. All landfills shall be operated in accordance with Pennsylvania Act 241 of 1968, as amended (the Pennsylvania Solid Waste Management Act) and the rules and regulations of the Pennsylvania Department of Environmental Protection.
 - b. The construction and operation of a sanitary landfill shall be subject to conditions set forth in any and all other South Manheim Township Ordinances that may be adopted from time to time.
- 930.14 Stockyards, subject to the following:
- (a) An off-street parking plan shall be provided at the time of application. This plan will allow maneuverability, parking and loading of trucks, trailers, or other vehicles.
 - (b) Off-street Parking Facilities shall be provided pursuant to Section 1026 in this Ordinance.
 - (c) Operations open after hours of darkness shall be adequately lighted in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5-foot candles beyond the lot boundaries.
 - (d) If any stockyard presents a fire hazard, emits smoke, dust or other air pollutants, noise, light/glare, or creates a nuisance as a result of the operation, conditions may be attached as deemed necessary to adequately control and mitigate the potentially detrimental effects that the activity may have on the surrounding area.
 - (e) Animal waste storage shall not be permitted within 300 feet of any property line.
 - (f) Any area being utilized for animal holding or grazing purposes shall be fenced with a

minimum of 5 strands of high tensile wire. Fences shall be located outside of the legal right-of-way of any street.

(g) Solid and liquid wastes shall be disposed of in such a manner that insect or rodent problems are avoided.

(h) A plan for landscaping and vegetative buffering is required.

930.15 Flea Market

930.16 Hazardous Waste Facility

(a) Notwithstanding the provisions of section 940 of this Ordinance, the minimum distance from any portion of a Lot utilized for the storage, processing, treatment or disposal of Hazardous Waste to any property line shall be 1,000 feet.

930.17 Buildings in excess of the maximum permitted building height listed in Section 940.

930.18 Methadone Treatment Facility, subject to the following:

(a) A methadone treatment facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting-house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility."

930.19 Bulk water extraction, subject to the provisions of section 1041.

930.20 Mineral extraction, subject to the provisions of section 1042.

930.21 Cultural and historical facilities, such as museums or historical monuments

930.22 Sawmills

930.23 Social and Recreation Facilities

930.24 Single-family Detached Dwellings

930.25 Accessory uses and buildings to the above permitted uses

935 Land Development/ Subdivision Plans

935.01 All subdivision and/or land development plans shall include a conspicuous Agricultural Use Notification as follows: "All lands within the Neighborhood Commercial District, as designated by the South Manheim Township Zoning Ordinance of 2004, as amended, are located in an area where land is used for commercial agricultural production and other commercial and industrial uses. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience and discomfort arising from normal and accepted commercial and industrial practices associated with the

commercial and industrial uses permitted within this zoning district, and may be subjected to occasional inconvenience and discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions from commercial uses and from agricultural uses, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations."

940 AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS

Maximum Permitted

Building Height	50 ft
Lot Coverage	70 percent

Minimum Requirements

Lot Area	2 acre (on-lot sewage)
	1 acre (public or community sewer)

Setback Line	50 ft
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Minimum Requirements, cont.

Lot Width

At street line	120 ft
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At setback line	120 ft
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Rear Yard	50 ft
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Side Yard

Total	40 ft
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One side	20 ft
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Distance between Highway

Access Points	150 feet
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950 RESERVED

960 PERFORMANCE STANDARDS FOR ALL USES PERMITTED WITHIN THE

INDUSTRIAL DISTRICT

For all uses permitted by right or by special exception within the Industrial zoning district, the applicant shall demonstrate the ability to comply with each of the applicable following standards:

960.01 Air Management

- a. Open burning is not permitted. This provision excludes General Agriculture
- b. No gases, vapors, or particulates shall be emitted from the facility which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors or particulates originate.
- c. No radioactive vapors or gases shall be emitted from the facility in amounts which are harmful.
- d. No odors causing annoyance or discomfort to the public shall be detectable beyond the lot lines of the lot on which such odors originate.
- e. The emission of any smoke at a density to the Method 9 federal guidelines of the EPA Air Quality Program) for any three (3) minute period, but at no time may the opacity be greater than sixty percent (60%). This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack.)

960.02 Waste Water Management

- a. Effluent must meet standards set by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- b. In no case shall potentially dangerous effluent from plant operations be discharged.

960.03 Solid Waste Management

- a. No permanent storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be screened from view from all adjacent properties. This provision excludes General Agriculture.
- b. All State, Federal and other applicable laws and regulations shall be complied with.

960.04 Noise and Vibration

- (1) Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Sound Levels by Receiving Land Use

<u>Zoning or use of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leg) Limit</u>
Residential, Agricultural, or Commercial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	
	plus Sundays and legal holidays	50 dBA
Industrial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	
	plus Sundays and legal holidays	65 dBA

If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

The emission of sound for the purpose of alerting persons to the existence of an emergency.

Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.

Construction operations.

Lawn and landscaping maintenance equipment.

Motor vehicle operations.

Agricultural Operations

- (2) No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

960.05 Visual

- a. No lighting shall be utilized in a manner which produces a reading of greater than 1 foot candle beyond the lot lines adjacent to an existing residential property or adjacent to a zoning district which permits residential uses.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.
- c. No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes beyond the lot lines.

960.06 Electromagnetic

- a. No electromagnetic radiation shall be radiated that does not comply with the regulation of the FCC (Federal Communication Commission).

960.07 Environmental Compliance

- a. Any and all Uses Permitted By Right or by Special Exception shall comply with all regulations of the Pennsylvania Department of Environmental Protection, and any and all other applicable regulatory agency.

SECTION 1000 SUPPLEMENTARY REGULATIONS

1010 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES

1011 Prohibited Uses

No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which is continuously noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

- 1011.a The use of any portion of a lot or property, other than within a completely enclosed structure, for the storage or accumulation of Junk shall be prohibited in all zoning districts, unless the property is a Junkyard meeting all requirements of this and any and all other applicable rules and regulations. This provision excludes General Agriculture. Additionally, within the C, LDR and HDR Districts, NO scrapped, abandoned, or junked motorized vehicles which are unlicensed, inoperable, or do not have a current and valid inspection sticker as required by the Pennsylvania Vehicle Code, excluding vehicles bearing current farm exemption identification when required, shall be permitted unless they are in completely enclosed structures.

1012 Access to Lots

Every lot created after the effective date of this Ordinance shall abut a public street or a private street. The minimum width of the lot which abuts the street, as measured at the street line, shall be as set forth for the applicable Zoning District in this Ordinance. One, and only one, lot may be subdivided from a tract of land which exists at the time of the effective date of this Ordinance, which will contain less than the required minimum width at the street line as set forth for the applicable Zoning District. For such lot, the minimum lot width at the street line shall be fifty (50) feet. The minimum lot width at the building setback line requirement of the applicable Zoning District, however, will have to be met, as well as any and all other requirements.

1013 Erection of More Than One Principal Structure on a Lot

More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that the Lot Area, Yard, Lot Width and other requirements of this Ordinance pertinent to the District in which the lot is located shall be met for each structure as though it were on an individual lot, unless otherwise specifically provided in this Ordinance. Such a proposal will require the submission of a Land Development Plan in accordance with the South Manheim Township Subdivision and Land Development Ordinance. This provision excludes General Agriculture.

1014 Principal Building Addition Setback Exceptions

On any lot on which a principal building existed at the effective date of this Ordinance, an addition to such principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way than the principal building which existed at the effective date of this Ordinance, provided that such addition is not larger than 50% in area of the existing principal building.

1015 Garage and Yard Sales

Within any Zoning District, an owner or occupant of a residential dwelling may conduct up to two (2) such sales per year. Such sales shall be conducted for a period not longer than three (3) consecutive days, and may offer for sale personal possessions. Any and all signs or other items associated with the advertisement of the sale shall be removed upon completion of each such sale. There shall be no permitting requirements for a sale conducted in a manner consistent with the provisions of this section. Any sales not conforming to this section shall not be considered a Garage or Yard Sale, but shall be considered a Retail establishment which must therefore conform to all appropriate Zoning Ordinance requirements.

1016 Slope Controls

The following controls shall apply whenever a Zoning Permit is needed, in all areas where the slope of the land exceeds twenty-five percent (25%). This provision excludes General Agriculture.

1016.01 An erosion and sediment control plan shall be prepared in accordance with State

and County Erosion & Sedimentation Pollution Control regulations, when required, prior to the establishment of any building, structure, or use

1016.02 Prior to any alteration of the existing grade, a grading plan shall be approved by the Township Engineer.

1016.03 The applicant shall indicate the methods whereby structural and foundation problems caused by slope conditions will be overcome and the natural watershed will be maintained.

1017 Corner Lot Restrictions

1017.01 On every corner lot there shall be provided a yard, equal in depth to the front yard requirement of a particular zoning district in which the corner lot is located, on each side of the lot which is adjacent to a street. The determination of the rear and side yard shall be made by the Zoning Officer based on existing improvements on the property in order to ensure conformity to side and rear yard setbacks. Where no improvements exist, the property owner shall make such determination which will then be permanent designations for the property.

1017.02 On a corner lot, nothing, including a wall, fence, or other structure, may be erected or altered and no hedge, tree, shrub or other growth shall be maintained such that the safe sight distance, as defined in current Pennsylvania Department of Transportation publications, would be reduced below current standards.

1018 Floodway Controls

Where other regulations, including any Township Flood Plain management ordinances, exist and contradict with the regulations which follow, the more stringent regulations shall be adhered to and complied with prior to the issuance of a Zoning Permit.

1018.01 Designation of Area

a. For land included within Subdivisions or Land Developments, areas to be regulated under this Section shall be those determined using the methods contained in the South Manheim Township Subdivision and Land Development Ordinance.

b. For land not included within Subdivisions or Land Developments, the areas subject to Floodway Controls shall be those areas mapped as containing alluvial soils by the Soil Conservation Service, United States Department of Agriculture, on maps included within the Soil Survey of Schuylkill County Pennsylvania, as amended, or those areas mapped as Zone A or higher designation flood zones according to FEMA mapping.

1018.02 Uses Permitted by Right:

a. Cultivation and harvesting of crops, pasture, and grazing, nursery or orchard, forestry, lumbering and reforestation when permitted by the prevailing zoning district

regulations, in accordance with approved soil conservation practices.

- b. Woodland preserve, nature center, wildlife sanctuary, arboretum, game preserve, outdoor education laboratory, fish hatchery, hunting and fishing reserves, or other use devoted to the protection and propagation of wildlife, when permitted by the prevailing zoning district regulations.
- c. Open areas or yards, subject to the restrictions of this Ordinance, and provided such open areas or yards shall not be used for on-lot sewage disposal systems.
- d. Social and Recreation Facilities, when permitted by the prevailing zoning district regulations, excluding structures or buildings.
- e. Accessory uses.

1018.03 Uses Permitted by Special Exception:

- a. Outlet installations for sewage treatment plants or sewage pumping stations.
- b. Social and Recreation Facilities, when permitted by the prevailing zoning district regulations, that include buildings or structures.
- c. The placement of any structures or fill material.

1018.04 Controls Applicable to All Areas Subject to Floodway Controls

- a. Not more than ten percent (10%) of the area subject to Floodway Controls shall be covered with impervious surfaces.
- b. Adjacent stream neighbors shall not be unreasonably affected by any use of the flood plain areas.
- c. The cross-sectional profile of watercourses and flood plain areas shall not be substantially altered unless approved by the appropriate State and other regulatory agencies.
- d. No outside storage of materials is permitted within flood plain areas.
- e. Fills shall not be located within flood plain areas unless permitted by Special Exception, and are further subject to:
 - 1. Fills shall consist of soil or rock materials only.
 - 2. Adequate provisions shall be made to prevent surface water from damaging the sloping surfaces of fills.
 - 3. Fills shall not adversely affect adjacent properties or other properties in the same watershed.

4. Fills shall be placed and mechanically compacted to minimize sliding and erosion of soil.
5. Fills shall not encroach on natural watercourses.
6. Fill slopes shall be no steeper than one (1) vertical unit to five (5) horizontal units.
- f. Any structure, when approved by Special Exception, shall be firmly anchored to prevent the structure from floating away during time of flooding.
- g. The public interest and general welfare of municipalities and residents in the same watershed shall not be adversely affected.
- h. Approval by all applicable State, Federal and other regulatory agencies shall be obtained.

1018.05 Site Plan Review Required

For all uses to be located within areas subject to floodway controls, Site Plan Review by the Township Planning Commission, required pursuant to the provisions of Section 1031 of this Ordinance, shall be .

1018.06 Boundary Disputes and Appeals Procedures

- a. Should a dispute concerning the boundaries of those areas subject to Floodway Controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criterion listed in Section 1018.01 of this Ordinance.
- b. Any person aggrieved by this determination, claiming that the criterion listed in Section 1018.01 is or has become incorrect because of changes due to natural or other causes, may appeal to the Zoning Hearing Board.
- c. The burden of proof shall be on the person appealing the determination of the Zoning Officer.
- d. If it is determined that the Soil Survey maps are inaccurate regarding the land in question, the area subject to floodway controls shall be determined on the basis of the one hundred (100) year storm and all calculations shall be subject to the approval of the Township Engineer in accordance with FEMA.

1019 Front Yard Exceptions

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance. For the purpose of this section, an unimproved lot shall be the same as a

vacant lot and an improved lot shall be one on which a principal building is erected.

1020 Reserved

1021 Small Lots of Record

A building or structure containing a permitted or special exception use may be erected on any lot of record with less than the required lot width or lot area and not adjacent to any lot in the same ownership at the effective date of this Ordinance, provided that all yard, height, and coverage requirements shall be met.

1022 Height

1022.01 Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, radio transmission line (except Telecommunications Facilities), tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smoke stack, silo, mechanical equipment, or similar structure. No such structure shall:

1022.011 Have a lot coverage at the base in excess of ten percent (10%) of the lot area.

1022.012 Be used for residency or tenancy purposes.

1022.013 Have any advertising sign or device inscribed upon or attached to such structure.

1023 Yards

1023.01 Front Yard. The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace projecting from the principal building not more than eight (8) feet, or steps giving access to a porch or first floor entry door of the principal building.

1023.02 All Yards. Every part of a required yard shall be open to the sky and unobstructed except for retaining walls, fences, walkways, lampposts, mailboxes, landscaping timbers, and other non-structure objects, and except for the ordinary projections from buildings of sills, belt courses, and for ornamental features not to exceed six (6) inches. No object, man-made or otherwise, however, shall be altered, erected, constructed, placed or maintained such that the safe sight distance, as defined in current Pennsylvania Department of Transportation publications, would be reduced below current standards.

1023.03 Open or Lattice Enclosed Fireproof Fire Escapes or Stairways. Required by law, projecting into a yard not more than four (4) feet, and the ordinary projections of chimneys, and pilasters shall be permitted when placed so as not to obstruct light and ventilation.

1024 Automobile Filling and Service Stations - Special Provisions

- 1024.01 No automobile filling or service station shall be located or shall have any building entrance or exit within 200 feet of the entrance or exit to a public or parochial school, private school, public library, theater, assembly hall, Churches, Places of Worship, and Related Uses, Hospital, , public park, playground, or fire station.
- 1024.02 All automobile filling and service stations shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within thirty (30) feet of any street line, side or rear lot line.
- 1024.03 All ventilation equipment associated with fuel storage tanks shall be set back at least 100 feet and oriented away from any adjoining residential or residentially zoned properties.
- 1025 Private Swimming Pool (Non-Commercial)
- 1025.01 A Private Swimming Pool shall not be located, constructed, or maintained on any lot or land area, except in conformity with these regulations. All applications for swimming pools shall include the location of the on-lot sewage system for the property, and shall show the location and method for the draining of the pool.
- 1025.02 Such pool shall NOT be located in the area of the lot between a line which extends from the principal building (nearest the Front Lot Line) to each Side Lot Line, and the Front Lot Line.
- 1025.03 Every non-commercial swimming pool shall be entirely enclosed with a good quality chain link wire, wooden, or other equivalent fence of not less than four (4) feet in height. Above-ground pools with a wall height of three (3) feet or more are excluded from this requirement but shall have access to the pool controlled with locking gates or other similar means. Outdoor whirlpools and hot tubs shall have a proper cover, as recommended by the manufacturer, to prevent access when not in use. These requirements shall be considered a minimum standard, and shall not eliminate the responsibility of the property owner to comply with any and all other local, state or federal regulatory requirements.
- 1025.04 Such pool shall be not less than twenty-five (25) feet from side and rear lot lines unless the setback requirements for the zoning district are greater, in which the greater setback requirement shall apply.
- 1025.05 If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
- 1025.06 If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of said pool.
- 1025.07 No lighting or spot lighting shall be permitted which will shine directly beyond the bounds of the property or lot where such pool is located.

1026 Off-Street Parking

1026.01 Off-street Parking shall be provided whenever:

- a. A principal use building is constructed or a new use established, excluding agricultural buildings and uses.
- b. The use of an existing building is changed to a use requiring more Parking Spaces or Facilities.
- c. An existing building is altered so as to increase the amount of Parking Spaces required.

1026.02. Parking Facilities shall not be permitted within 10 feet of a side or rear property line unless formal arrangements, satisfactory to the Township, have been made for the establishment of a common Parking Facility which will serve more than one Principal Use.

- a. Parking Spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards or walkways.
- b. Interior drives between rows of Parking Spaces shall have the minimum widths indicated in the following table:

Angle of Parking	Minimum Width (Feet)	
	one-way Traffic	two-way Traffic
90 Degrees	25	25
60 Degrees	20	22
45 Degrees	18	22
30 Degrees	11	22
Parallel	11	22

- c. Interior drives in areas where there is no parking permitted shall be at least 12 feet wide for each lane of traffic.
- d. The following lists required minimum space sizes in feet: Standard car spaces: Parallel-23 by 8 Nonparallel-20 by 10

1026.03. Not less than a 4 foot radius of curvature shall be permitted for horizontal curves in Parking Facilities.

1026.04. All dead end Parking Facilities shall be designed to provide sufficient back-up area for all end stalls.

1026.05. All Parking Facilities shall be adequately marked and maintained for the purpose of

defining Parking Spaces and interior drives. As a minimum, the lines of all Parking Spaces and interior drives (including directional arrows, etc.) shall be solid white and 4 inches in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, when necessary to direct vehicular circulation. Parking Facilities containing over 30 vehicles shall be divided by permanent raised curbing that clearly defines Parking Spaces from designated access lanes.

- 1026.06. Parking Facilities, main entrances, exits, streets and pedestrian areas shall be provided with lights such that the areas are illuminated to the standards as indicated in the corresponding Appendix.
- 1026.07. All Parking Facilities shall provide for sufficient handicapped accessibility in the design of sidewalks, ramps, curbs and related facilities including the number of specific handicapped Parking Spaces in accordance with applicable Federal, State or local regulations.
- 1026.08. All Parking Facilities shall be constructed and maintained with a paved surface of concrete or bituminous materials. Exceptions to this requirement shall be for single-family detached residential dwellings, home occupations and home premise businesses.
- 1026.09. Every Parking Facility shall be connected to a street by means of a paved access drive. This access drive shall be at least 12 feet wide for each travel lane.
- 1026.10. Parking Facilities shall be provided with adequate facilities to collect and convey stormwater in accordance with the Stormwater Management Requirements of the South Manheim Township Subdivision and Land Development Ordinance.
- 1026.11. Buffer planting shall be provided where Parking Facilities are adjacent to residential properties, or to properties zoned such that residential uses are permitted. The buffer planting area shall be at least 15 feet wide. The buffer planting shall consist of a Landscape Screen, as herein defined.
- 1026.12. Speed Bumps.
- a. Speed bumps, if utilized, constructed as part of access drives or Parking Facilities, shall be marked with permanent, yellow diagonal stripes.
 - b. The speed bumps shall be in the form of mounds in the pavement and shall be designed to restrain motor vehicle speed.
 - c. There shall be a warning sign posted at each entrance to a Parking Facilities having speed bumps.
 - d. In no case shall the overall height of speed bumps exceed 3 inches.
- 1026.13. In any Parking Facility containing 20 or more Parking Spaces cumulatively from the

effective date of this Ordinance, 5% of the total area of the lot shall be devoted to interior landscaping. For the purpose of computing the total area of a Parking Facility, all areas within the perimeter of the Parking Facility shall be counted, including all Parking Spaces and access drives, aisles, islands and curbed areas. Interior landscaping shall consist of vegetated areas only, and shall be uniformly spaced and located throughout the Parking Facility. Artificial vegetation and areas covered by stone shall not be included in calculating the interior landscaping area, and only the vegetated areas inside the Parking Facility perimeter as described in this section shall be counted. The interior landscaping shall consist of ground cover, shrubs, and trees. There shall be at least one (1) shade tree provided for each 300 square feet or fraction thereof of required interior landscaping area. These trees shall be at least one and one-half inches (1-1/2") in caliper at a height of four (4) feet, and shall have a clear trunk at least five (5) feet above finished grade elevation. No vegetation shall be allowed which will obstruct safe sight distances or clear sight triangles. The interior landscaping requirements shall be in addition to any other landscape screening or buffering required in this or other Township Ordinances.

- 1026.14 Common Parking Facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
- 1026.15 All common Parking Facilities shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the Parking Facilities shall not exceed six percent (6%). Surface water shall not discharge onto public sidewalks or other properties.
- 1026.16 No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead storage, repair, dismantling, or servicing of vehicles.
- 1026.17 Off-street Parking Facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
- 1026.18 When the required number of Parking Spaces is computed and a fraction of a Parking Space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full Parking Space.
- 1026.19 Where parking requirements are determined by the number of seats and no permanent seats are provided, the number of Parking Spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- 1026.20 Parking Facilities shall be arranged so that no portion of any vehicle parked within a designed Parking Space can extend over any property line of the lot on which it is parked.

1026.21 Where a building contains a mixture of uses, the total requirements shall be the sum of the requirements of all uses.

1026.22 Minimum Offstreet Parking Space requirements shall be as follows:

- a. Residential Uses - Dwellings: Two (2) spaces per dwelling unit, Bed and Breakfast, Boarding, Lodging or Rooming House: Two (2) spaces per dwelling unit plus one (1) space per room
- b. Home Occupation and Home Premises business: Per Sections 1039 and 1040, respectively
- c. Restaurant: One (1) space for each four (4) seats plus one (1) space for each employee on the largest shift
- d. Retail Store: One (1) space for each 200 square feet of gross Retail floor area plus one (1) space for each employee on the largest shift
- e. Office: One (1) space for each 200 square feet of gross floor area
- f. Motel, Hotel: One (1) space for each rental unit plus one (1) for each employee on the largest shift
- g. Medical Office Building: Six (6) spaces for each person engaged in practice plus one (1) space per employee
- h. Automobile Filling Station (without Convenience Store): One (1) space for each employee
- i. Commercial, business, industrial, or related uses which do not involve Retail or Repair: One (1) space for each employee on largest shift
- j. Hospital: One (1) space for each three beds plus one (1) space for each employee on the largest shift
- k. Drive-Thru and Fast Food Restaurants: One (1) space for each two (2) seats and one (1) space for each employee on the largest shift
- l. Churches, Places of Worship: One (1) space for each four (4) seats
- m. Funeral Home: One (1) space for each four (4) seats
- n. Places of public assemblage: One (1) space for every four (4) seats or one (1) space for each 200 square feet of gross floor area, whichever is greater
- o. Convenience Store: One (1) space per 150 square feet of gross floor area plus one (1) space per employee on largest shift

- p. Day Care: One (1) space per employee plus one space for every four (4) individuals accommodated
 - q. School - Elementary and Secondary, through the 9th grade: One (1) space per employee, plus one space for every 50 square feet of assembly seating area
 - r. School - Elementary and Secondary, 10th through 12th grade: One (1) space per employee plus one (1) space for every two (2) students.
 - s. School - Post-Secondary and Commercial: One (1) space per employee plus one (1) space for every student
 - t. Personal Service Establishment: One (1) space for each employee plus; three (3) spaces for every two (2) salon or barber chairs, tanning tables, or one (1) space per 100 square feet of customer service area, whichever is larger.
 - u. Repair Businesses: One (1) space for each employee plus one (1) space for each seat in customer waiting area plus one (1) space per 100 square feet of customer service area.
 - v. Social and Recreation Facilities: One (1) space per employee plus sufficient spaces to accommodate the maximum capacity of the facility
- Information shall be provided to the Township Planning Commission on parking characteristics of other similar facilities.
- w. Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment: One (1) space for each seventy-five (75) square feet of net floor space
 - x. Financial Institution: One (1) space per employee plus two (2) spaces for each inside teller, loan officer, and other employees which directly serve customers

For any building or use not covered above, the Township Planning Commission shall apply the standard for Offstreet Parking Spaces in the above schedule deemed to most closely approximate the proposed building or use. An applicant may provide information on parking characteristics of like uses of similar size for consideration. Under no circumstances shall Onstreet Parking Spaces be utilized to meet the above requirements for any use.

- 1027 Loading Areas This provision shall not be construed to prohibit the construction or use of additional roadways that facilitate agriculture on lands where agriculture is authorized under this Ordinance.

Off-street loading and unloading spaces, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, or industry is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service

vehicles, shall be of such size, design, and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, Parking Facilities and pedestrian ways. Loading areas shall not be located within required front yards.

Loading spaces shall be of such size and number as are necessary to service the types and volume of vehicles expected to make deliveries or pickups on the premises without unreasonably causing traffic congestion in the loading area. This requirement will be deemed to be met where, under normal circumstances, the number and size of loading spaces will not prevent access of more than three vehicles to a loading space at any particular time. At least one loading space shall be provided with each use. When a zoning permit is applied for, the application for the permit shall show all provisions for off-street loading and include data (data on number, frequency and size of vehicles expected to access the loading facilities) in support of the number and size of loading spaces proposed.

1028 Access Driveways

1028.01 All access driveways may be used for separate or combined entrance or exit. Every separate entrance or exit access driveway shall have a minimum unobstructed width of twelve (12) feet. Every combined entrance and exit access driveway shall have a minimum total unobstructed width of twenty-four (24) feet.

1028.02 There shall be no more than three (3) access driveways to each street from any one lot. The Zoning Hearing Board may, by Special Exception, grant permission for additional access driveways where it has been demonstrated by the applicant that such additional access driveways are necessary for the specific use proposed and will not adversely affect the traffic circulation and safety in the area of the access driveways. This provision shall not be construed to prohibit the construction or use of additional roadways that facilitate agriculture on lands where agriculture is authorized under this Ordinance.

1028.03 Any use which involves trucking in more than a periodic delivery manner, including, but not limited to, warehousing, manufacturing, landfills, mining, quarrying, bulk water or mineral extraction, shall have all truck accesses onto roads classified as Arterial Roads only. This may be accomplished by the creation of new Arterial roads which would directly connect to existing Arterial roads, or by the improvement of existing non-Arterial roads to Arterial road standards from the facility to an existing Arterial road. For purposes of this section, the term "use which involves trucking in more than a periodic delivery manner" does not include agriculture.

1028.04 Any access driveway may be located within a required side yard, required front yard, or required rear yard, except as may be noted in other Township regulations.

1029 Signs

General Regulations for All Signs.

- 1029.01 Signs must be constructed of durable material and maintained in good condition.
- 1029.02 No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible or has loose parts separated from original fastenings.
- 1029.03 Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, as determined by a professional qualified to make such determinations, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within 5 days.
- 1029.04 Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
- 1029.05 Each sign shall be removed when the circumstances leading to its erection no longer apply.
- 1029.06 Signs may be interior lighted with nonglaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- 1029.07 No sign shall be of the intermittent flashing or rotating type.
- 1029.08 No sign located within 300 feet of any traffic light shall be illuminated with red, green or yellow lights or neon tubing.
- 1029.09 All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- 1029.10 Signs must be positioned so that they do not interfere with required safe sight distances.
- 1029.11 **Determination of Size.** The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting frame work or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than 45 degrees and the two faces are at no point more than 3 feet from one another, the area of only the larger face shall be included.

- 1029.12. No loud, vulgar, indecent or obscene advertising matter shall be displayed in any manner including, but not limited to:
- a. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law. (2) Scenes wherein a person displays the vulva or the anus or other genitals. (3) Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above. (4) Any other graphic illustration pertaining to specified sexual activities and/ or specified anatomical areas.
- 1029.13 No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
- 1029.14 No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
- 1029.15 No sign shall be permitted which is permanently attached to public utility poles, or trees which are within the right-of-way of any street.
- 1029.16 No sign located within a Floodplain Zone shall exceed 6 square feet of area per side.
- 1029.17 In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business; that symbol, trademark or figure is to be computed as part of the total allowable sign area.
- 1029.18 In all zones, only those signs referring directly to materials or products made, sold or displayed on the premises shall be permitted, except as otherwise authorized in this Ordinance.
- 1029.19 Specific Regulations for Signs. In addition to the general sign regulations listed in the preceding subsections, specific regulations contained within the following subsections shall also apply to all signs. For the purposes of this Chapter, each sign is classified by its (A) use; and, by its (B) type of construction. Specific sign requirements are listed by use, and then by construction type; therefore, each sign must comply with those regulations specified for its classification of use, and its classification by type of construction.
- 1029.20. Classification of Signs
- 1029.20.A. Classification of Signs by Use. All signs shall be divided into the following types of uses and shall be subject to the specific regulations listed therewith:
- (1) Official Traffic Signs. No specific regulations are applied to this type of sign use when

the signs are erected by or with written approval from the Township Supervisors.

- (2) **Name Signs Indicating the Name of the Occupant of a Dwelling, and Trespassing or Hunting or similarly restrictive signs, or signs indicating the private nature of a driveway or premises.** The area on one side of such sign shall not exceed 2 square feet. When attached to a building, it shall not project more than 6 inches from a wall.
- (3) **Identification Signs Identifying Schools, Churches, Places of Worship, and Related Uses, Hospitals or Similar Institutions.** A total of 40 square feet will be allowed. Not more than one such sign per organization will be permitted on the site except that a maximum of two such signs shall be permitted when the property fronts on two or more public streets.
- (4) **Temporary Signs of Contractors, Architects, Engineers, Mechanics and Artisans.** The signs shall be displayed only while actual work is in progress, and shall not exceed a total of 100 square feet in area for all signs combined; and, provided further, that such signs must be removed promptly upon completion of work. Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.
- (5) **Real Estate Sale-Sold-Rent Signs When Placed on the Property to be Sold, or Rented.**
 - (a) **Single Family Residential** - These signs shall not exceed 6 square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two signs are permitted. All such signs shall be removed within 5 days after final transactions are completed. No such signs shall be located off of the site.
 - (b) **All Other** - These signs shall not exceed 40 square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two signs are permitted. All such signs shall be removed within 5 days after final transactions are completed. Such signs may be located off of the site.
- (6) **Residential Development Signs.** Name of a residential subdivision or neighborhood. Such sign shall not include the name of any builder, contractor, Realtor or other person or business associated with the construction/ sale of homes within the development; instead, only the name of the development shall be displayed. Residential development signs shall not exceed an overall size of 32 square feet, exclusive of any ornamental support structures. Only one residential development sign shall be permitted per frontage at the entrance to such development, and no more than two such signs shall be permitted per development. The combined total sign area for one or more residential development signs shall not exceed one square foot per dwelling unit within the development. The applicant shall submit a written description of the maintenance responsibilities for all residential development signs.

- (7) **Home Occupation and Home Premises Business Signs.** Signs advertising Home Occupations or Home Premises Businesses shall not be larger than 12 inches by 24 inches, and may only include the name, occupation and logotype or trade mark, if appropriate, of the practitioner.
- (8) **Public Use and Utilities Signs.** Signs necessary for the identification, operation or protection of public use and public utilities are permitted so long as the general regulations of this section are met.
- (9) **Business, Commercial or Industrial Signs.** A sign for a use conducted on the premises which shall identify the written name and/ or the type of business and/ or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises. The total sign area shall not exceed 1 square foot per 5 lineal feet of lot frontage with a maximum size of 80 square feet. One sign is allowed per lot or per adjoining lots occupied by the same use. If the lot's frontage exceeds 1,000 feet, one additional sign is permitted.
- (10) **Functional Signs,** such as those designating rest rooms, entrance, exit, delivery, directional or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto. Two signs per frontage used for vehicular access are permitted. Each sign shall not exceed 2 square feet in total sign area.
- (11) **Planned Center Signs.** Signs advertising the name of an integrated development such as a planned shopping center, Office or apartment complex or industrial park. These signs shall devote no less than 50% of the total sign area to the advertisement of the planned center's name. Additionally, individual uses within the center may be advertised, but shall be flat-wall, wall projecting and/ or roof signs as defined herein; no other ground signs shall be permitted for those uses within the planned center. Only one planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed 1 square foot for each 4 feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum size of 120 square feet nor an overall height of 20 feet.
- (12) **Temporary (Special Event) Signs and Banners.** One such sign may be permitted per lot for one period not exceeding 30 days during any calendar year. Such signs shall be limited to a maximum of 32 square feet in total sign area.
- (13) **Billboards.** For purposes of this section a "billboard" shall mean a sign that is intended and placed for view of motorists on PA Route 895. These signs are only permitted by Special Exception, subject to the following standards:
- 1) Maximum sign size shall be 120 square feet.
 - 2) For proposed signs with a height in excess of thirty-five (35) feet, the applicant shall demonstrate that the additional height is necessary for the function of the sign due to existing physical, topographical or other features.

- 3) Signs shall be a minimum of 100 feet from any building or structure.
 - 4) Signs shall be at least 15 feet from the right-of-way of PA Route 895.
 - 5) There shall be a minimum setback from adjoining properties and street rights-of-way, other than that of PA Route 895, of fifty (50) feet.
 - 6) There shall be a minimum of 600 feet between signs.
- (14) Off-Premise Sign. Two such signs are authorized within the Township for each on-premise sign allowed for a specific use. Additional signs may be permitted if approved by Zoning Hearing Board as a Special Exception. Such signs shall be limited to a maximum of 32 square feet in total sign area. Off-Premise signs for businesses not located within the Township shall be limited to two signs total.

1029.20.B. Classification of Signs by Type of Construction. All signs shall be divided into the following types of construction and shall be subject to the specific regulations listed therewith:

(1) Ground Sign.

- (a) Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.
- (b) No ground sign shall project to a point nearer than 15 feet from the edge of a street right-of-way, (unless obstructing view, at which time further setback is required). No support for any ground sign shall be located nearer than 15 feet to any property line. Such signs shall not exceed 20 feet in height nor exceed 80 square feet in total sign area; however, planned center signs may have a maximum size of 100 square feet. Billboards, as regulated herein, are exempt from these specific requirements.

(2) Flat Wall Sign.

- (a) A sign erected, or displayed on, or parallel to the surface of a building.
- (b) Flat wall signs may have a maximum area of 15% of the wall area of the wall on which the sign is to be erected.
- (c) Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load; and, provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas. Flat wall signs shall not project more than 12 inches from the building wall and must be located so that the lower edge is a minimum of 8 feet above grade where the sign projects from the

wall more than 6 inches.

(3) Wall Projecting Sign.

- (a) Any sign mounted upon a building so that its principal face is not parallel to the building wall.
- (b) Projecting signs shall be located upon the buildings so that the lower edge is a minimum of 10 feet above grade. Projecting signs may project a maximum of 10 feet from the building wall; provided, however, that no sign shall project to a point nearer than 12 feet from the edge of the street right-of-way.
- (c) No projecting sign shall extend more than 5 feet above the top of the wall upon which it is mounted, nor above the permitted structural height as listed in each zone.
- (d) Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load; and, provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.

(4) Roof Sign.

- (a) A sign erected or displayed upon the roof of any building or structure or a wall sign, a portion of which exceeds the height of the building.
- (b) No roof sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to the other thereof, or interfere with any openings in such roof.
- (c) No sign erected upon the roof of any building shall project beyond the edges of said roof in any horizontal direction.
- (d) Roof signs may extend above the roof, or top of wall, a distance equal to 1/2 the height of the roof or wall, or 5 feet, whichever is the smaller height.
- (e) Roof signs may have a maximum area of 15% of the roof or wall area to which the sign is attached.
- (f) No roof sign parallel to a building shall extend in length a distance greater than 2/3 the length of the wall to which it is parallel.

1029.21 Permits.

1029.21.A Requirements for Signs. The following signs shall be authorized without requirement of permit for erection when erected and maintained in conformity hereto:

- (1) Official traffic signs.
- (2) Residential accessory use or name signs.
- (3) Temporary signs of contractors, architects, engineers, mechanics and artisans, and temporary signs for special events.
- (4) Real estate sale-sold-rent-development signs.
- (5) Functional signs.
- (6) Signs within buildings, not visible from outdoors.

1029.21.B All other signs shall require the obtainment of a permit prior to the erection or installation of the sign. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:

- (1) Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected.
- (2) Exact size, dimensions and location of the said sign on the lot or building together with its type, construction, materials to be used and the manner of installation.
- (3) Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Section.
- (4) No sign permit shall be issued except in conformity with the regulations of this Section, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance or special exception. Except for those signs for which a special exception is required, the Township shall approve all permit applications and issue permits for erection or installation of all signs that meet the requirements of this Section.

1030 Non-conforming Uses, Lots and Structures

1030.01 Intent

Within each of the zoning districts established by this Ordinance and any amendment heretofore or hereafter enacted, there exist lots, structures, and/or uses of land and structures that were lawful prior to the adoption of this Ordinance or amendment, but which are prohibited, regulated or restricted under the provisions of this Ordinance or relevant amendment thereto. It is the intent of this Ordinance or relevant amendment thereto to permit these existing nonconformities to remain or continue until they're brought into compliance with the applicable provisions of this Ordinance and relevant amendment thereto or are removed or terminated. It is the further intent of this Ordinance and any relevant amendment thereto that such existing nonconformities shall not be used as a basis for adding other structures or uses not permitted within the same zoning district.

1030.02 Nonconforming Uses

- a. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning district where located.
- b. A nonconforming use, existing at the time this Ordinance or any relevant amendment thereto was adopted, may continue until such time as the use is terminated.
- c. A nonconforming use, existing at the time this Ordinance or any relevant amendment thereto was adopted, shall be deemed to have been terminated if:
 - (1) Such use has been discontinued for a period of twelve (12) consecutive months and the owner of the land or operator of the use has failed to notify the Zoning Officer of an intent to the contrary; or
 - (2) The owner of the property or operator of the use notifies the Zoning Officer that the use has ceased; or
 - (3) The use has been changed to a conforming use.
- d. A nonconforming use, existing at the time this Ordinance or any relevant amendment thereto was adopted, shall not be expanded or converted to a different nonconforming use except as provided by section 1030.06 of this Ordinance.
- e. An unlawful use of land and/or structure, existing at the time this Ordinance or any relevant amendment thereto was adopted, shall not be deemed to be a nonconforming use.

1030.03 Nonconforming Lots

- a. A permitted principal structure and accessory structures may be erected upon a nonconforming lot, provided such lot is in separate ownership and not contiguous with other lots of the same ownership.
- b. Lot dimension requirements other than minimum lot area and lot width, shall conform to the regulations of the zoning district in which the lot is located.
- c. No portion of a nonconforming lot shall be sold or used in a manner which would further diminish compliance with the lot area requirements of the zoning district where the lot is located.

1030.04 Nonconforming Structures

- a. A structure, existing at the time this Ordinance or any relevant amendment thereto was adopted, but which could not be built under the terms of this Ordinance or any relevant amendment thereto, may continue so long as said structure continues to be in compliance with allowances that are applicable to the structure as a nonconforming

structure. This provision shall not be construed to prohibit or interfere with agriculture on lands where agriculture is authorized under this Ordinance

b. A nonconforming structure may be enlarged, altered, or replaced so long as the enlargement or alteration does not increase the nonconformity of the structure by dimension or extent .

c. Normal maintenance and repair of a nonconforming structure is permitted as long as the maintenance or repair does not increase the nonconformity of the structure.

d. In the event a nonconforming structure is destroyed more than 50% in area by any means, voluntarily or involuntarily, such nonconforming structure may not be rebuilt unless it is in complete conformity to the requirements of the zoning district in which it is located.

e. In the event a nonconforming structure is damaged or removed to the extent that less than fifty percent (50%) of the structure is unusable, such non-conforming structure may be rebuilt or repaired, but only to the extent that such rebuilding or repair does not increase the nonconformity of the structure

f. A structure in material violation of the requirements of a prior ordinance to which such structure was subject shall not be considered to be a nonconforming structure.

1030.05 Relief

All requests for relief from the requirements of Section 1030 shall be by application to the Zoning Hearing Board for a Special Exception.

1030.06 Applicability to agriculture

This section shall not apply to agricultural uses or to lots or structures utilized pursuant to agricultural uses to the extent the agricultural use is otherwise authorized as nonconforming uses under the state Municipalities Planning Code (Act 170 of 1988, 53 P.S. §§ 10101 et seq.).

1031 Reserved

1032 Residential Conversion Regulations

Where permitted by the applicable zoning district regulations, a Single Family Detached Dwelling which existed at the adoption date of this Ordinance may be converted into a dwelling for a greater number of families by Special Exception, subject to the following requirements:

1032.01 Each dwelling unit shall not have less than 800 square feet of floor area.

1032.02 Two off-street Parking Spaces shall be provided for each dwelling unit.

- 1032.03 The lot area per dwelling unit shall not be reduced to less than 10,000 square feet per dwelling unit in HDR or LDR Zoning Districts.
- 1032.04 The method of sewage disposal shall be approved by the Township Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection, as applicable.
- 1032.05 The total number of dwelling units shall not exceed four (4), though the Zoning Hearing Board may establish a lesser maximum in individual cases.
- 1032.06 The Zoning Hearing Board may establish such additional conditions in each individual case as it may deem necessary in the public interest.
- 1033 Agriculture Standards
- 1033.01 INTENSIVE AND HIGHLY INTENSIVE AGRICULTURE STANDARDS
- (a) A structure housing an Intensive or a Highly Intensive Agriculture use shall not be located within 1,000 feet of the district boundary with the LDR or HDR zoning districts.
 - (b) A structure housing an Intensive or a Highly Intensive Agriculture use shall not be located within 300 feet of any property line.
 - (c) A structure housing an Intensive or a Highly Intensive Agriculture use shall not be located within 600 feet of a residence located upon an adjacent property.
 - (1) The limitations prescribed in paragraphs (a), (b) and (c) shall not apply to the expansion of the structure if the structure and the Intensive or Highly Intensive Agriculture use existed at the time the residence on the adjacent property was built.
 - (d) An operator of an intensive or highly intensive use shall implement measures for fly control that are consistent with the measures prescribed in the Pennsylvania Technical Guide and the guidance document entitled 'Manure Management Manual for Environmental Protection' and its supplements published by the Pennsylvania Department of Environmental Protection.
 - (e) If the operator of the intensive or highly intensive agricultural use is required to develop and implement a nutrient management plan under the state Nutrient Management Act, the plan that was so approved shall be submitted to the Township prior to the issuance of a zoning permit.
 - (f) A Stormwater Management Plan shall be prepared pursuant to the South Manheim Township Subdivision and Land Development Ordinance and approved by Planning Commission.
 - (g) A Conservation Plan approved by the Schuylkill County Soil Conservation District shall be submitted to the Township prior to the issuance of a zoning permit.

- (h) No discharges of solid or liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm water disposal system, stream or open body of water, or into the ground unless the discharges are in compliance with the standards approved by the state and/or federal regulatory agencies.
- (i) All proposed Intensive Agriculture uses and Highly Intensive Agriculture uses shall be reviewed by the Schuylkill County Cooperative Extension. The applicant shall submit a Cooperative Extension review letter prior to issuance of a zoning permit.
 - (1) For purposes of this paragraph, the operator of an intensive or highly intensive use shall be deemed to have complied with the requirements of this section if he can provide proof that the Schuylkill County Cooperative Extension has had an opportunity to review the proposed use and has not issued a review letter within thirty (30) days of the date the operator submitted the proposed use for review.
- (j) An operator of an intensive or highly intensive use shall implement measures for odor control that are consistent with the measures prescribed in the Pennsylvania Technical Guide and the guidance document entitled 'Manure Management Manual for Environmental Protection' and its supplements published by the Pennsylvania Department of Environmental Protection.

1033.02 The following standards shall apply to any agricultural operation utilizing or proposing to utilize food processing wastes:

- a) All putrescible food processing wastes shall be fed to the animals on the premises or removed from the premises within 72 hours after the putrescible food processing wastes are delivered to the premises.
- b) All food processing wastes shall be stored in enclosed buildings or sealed containers prior to being fed to the animals.
- c) Only such amounts of food processing wastes as can reasonably be expected to be consumed by the animals on the premises or by animals on other premises operated by the owner shall be brought on the premises.
- d) Food processing wastes shall be transported to and from the premises only in sealed containers.
- e) The owner shall at all times maintain a current Nutrient Management Plan.
- f) The owner shall at all times comply with all applicable state and federal laws and regulations governing the transportation, storage, use and disposal of food processing wastes.
- g) All Zoning Permit Applications, Land Development Plans, or Subdivision Plans for such facilities shall specifically and prominently include these regulations.

The requirements prescribed in this subsection (1033.02) shall not apply to any operation licensed as a garbage feeding business under the state Domestic Animal Act (Act 100 of 1996, 3 Pa.C.S. §§ 2301 et seq.).

1034 Adult Businesses

No authorization for a zoning permit or occupancy permit, as the case may be, shall be granted for an Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment, where authorized, unless the following regulations are and will be complied with:

- 1034.01 No property line for a property which will contain an Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be located within 1000 feet of a property line of any existing or proposed (proposed shall mean a subdivision or land development plan has been submitted to the Township for review, or a zoning permit application has been submitted in accordance with this Ordinance) school, Churches, Places of Worship, and Related Uses, public library, residential dwelling, Nursing, Rest or Retirement Home, Group Home, Campground, child care facility, community center, park, playground, campground, other lands where minors congregate, or the boundary of the Zoning District established by this Ordinance.
- 1034.02 No Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be conducted in a Mobilehome or other readily transportable structure or unit.
- 1034.03 No application for an Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be approved unless the applicant has entered into a written agreement with the Township Board of Supervisors providing that no advertising sign for the proposed use, either on or off the premises, except for one (1) business identification sign on the premises which does not exceed nine (9) square feet in area, will be located within the Township and requiring the applicant to reimburse the Township for reasonable and necessary court costs, attorney's fees, witness fees, and incidental costs incurred by the Township in enforcing the agreement.
- 1034.04 An adult business shall not be located within one thousand (1,000) feet of any other adult business.
- 1034.05 No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure, nor shall they be visible from the outside of the building or structure.
- 1034.06 No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the content of materials, merchandise or film offered therein.
- 1034.07 Each entrance to the premises shall be clearly posted with a notice specifying that

persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

1034.08 No unlawful sexual activity or conduct shall be permitted.

1035 Reserved

1036 PENAL INSTITUTIONS

No authorization for a building permit or occupancy permit, as the case may be, shall be granted by the Zoning Hearing Board for a Penal Institution, unless the Zoning Hearing Board shall first determine that the following standards (in addition to those set forth in Section 1135 of this Ordinance) are and will be complied with:

1036.01 The minimum lot area for a Penal Institution shall be ten (10) acres.

1036.02 The entire perimeter of any property on which a Penal Institution is located shall be fully enclosed by a chain link fence at least six (6) feet high and topped with barbed or razor wire.

1036.03 Every Penal Institution shall have qualified security personnel on active duty twenty-four (24) hours per day. Active duty shall not include any sleeping time.

1036.04 To the extent permitted by law, every Penal Institution shall provide monthly reports to the South Manheim Township Police Department, or in the absence of such a department, the South Manheim Township Board of Supervisors, listing the names, descriptions and criminal records of each individual directed, ordered or committed to the Penal Institution.

1036.05 No Penal Institution shall be permitted where the Penal Institution would endanger the health, safety, morals, or property (both real and personal property) of the surrounding neighborhood.

1036.06 No Penal Institution shall be permitted within one thousand (1,000) feet of a property line of any existing or proposed (proposed shall mean a subdivision or land development plan has been submitted to the Township for review, or a zoning permit application has been submitted in accordance with this Ordinance) residential structure, school, public library, Churches, Places of Worship, and Related Uses, such distance to be measured from the closest boundary of the property on which the Penal Institution is located.

1036.07 No Penal Institution shall be permitted within two thousand (2,000) feet of the boundary of an LDR or HDR District, such distance to be measured from the closest boundary of the property on which the Penal Institution is located.

1036.08 The Zoning Hearing Board may impose such other conditions or requirements in each individual case as it may deem necessary to protect the public interest.

1037 Restaurant - Drive-Thru Or Fast-Food
For such establishments, the following criteria shall be met:

1037.01 Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.

1037.02 The subject property shall front on, and have direct access to, a Collector or Arterial road as defined in the South Manheim Township Subdivision and Land Development Ordinance. Otherwise, the road on which the Restaurant is located shall be improved to the standards for Collector or Arterial roads as defined in the South Manheim Township Subdivision and Land Development Ordinance for the entire length of road frontage of the property on which the Restaurant is located.

1037.03 All drive-thru window lanes shall be clearly designated from the Parking Facility's interior drives by a curb, landscape island, or painted line.

1037.04 Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

1037.05 All exterior seating/play areas shall be completely enclosed by a fence of at least three (3) feet in height.

1038 Telecommunication Facilities shall be subject to the following, in addition to any other applicable Township Ordinances governing this use.

1038.01 Purposes - The purposes of this Section are as follows:

A. To accommodate the need for communication towers, antennas and facilities in the Township while regulating their location and number in the municipality.

B. To minimize visual effects of communication towers, antennas and facilities through proper design, siting, and vegetative screening.

C. To avoid potential damage to adjacent properties from support structure failure and falling ice through engineering and proper siting of support structures.

D. To encourage and maximize the joint use of any existing communication towers, antennas and facilities to reduce the number of such structures needed to be constructed in the future.

E. To promote the health, safety and welfare of the Township's residents.

1038.02 Additional Definition – As used in this section, the term Setback Distance shall mean the distance between the proposed communications facility and the nearest residential unit, residentially zoned properties, and commercial and industrial zoned properties.

1038.03 Applicability - The regulations set forth in this section are applicable to the following:

- A. New communications towers, antennas and facilities.** All new communications towers, antennas or facilities in South Manheim Township shall be subject to these regulations.
- B. Pre-existing towers or antennas.** Pre-existing towers and antennas are not required to meet the requirements of this Ordinance, except for the requirements of Sections 1038.04(H), (I), (R)(2), (R)(3) & (R)(4), 1038.08(C)-(F), 1038.10 and 1038.11(B) & (C).
- C. Amateur radio station operators/receive-only antennas.** This Ordinance shall not govern any communications tower or communications antenna under seventy (70) feet in height and owned and operated by a federally-licensed amateur radio station operator or used exclusively for receive-only antennas.

1038.04 General Requirements

A. Special Exception.

(1) Communications towers shall be considered as a Special Exception in all zoning districts of the Township.

(2) Communications antennas shall be considered as a Special Exception in all zoning districts of the Township, except as provided in Section 1038.03 above (relating to amateur radio station operators/receive-only antennas).

B. Principle Use.

(1) Communications towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of a communications tower or antenna on such lot.

(2) All other uses of a communications facility site, such as business offices, maintenance depot, and vehicle storage, unless specifically necessary and ancillary to the operation of the subject site, are prohibited from the communications facility site. In no event shall such uses be permitted unless otherwise permitted in the zoning district in which the communications facility site is located.

C. Shared Usage.

(1) Shared use of existing communications facilities shall be preferred in the Township, as opposed to the proposed construction of a new communications tower or facility. Where such shared use is unavailable, location of communications facilities on other pre-existing structures shall be considered and preferred. See the provisions below regarding Inventory of Existing Sites.

(2) A new communications tower shall not be permitted unless an applicant makes a good faith effort to substantially demonstrate that no existing or planned towers or structures (i.e., a permit has been applied for or granted) can structurally and functionally accommodate the applicant's proposed antenna/transmitter. The applicant is required to demonstrate compliance with the following:

a. The applicant shall submit a detailed analysis conducted by an engineer certified in radio frequency demonstrating the need for the proposed communications tower. The analysis shall include a drive test, propagation models and a map showing other tower sites and tall structures.

b. The applicant shall, by written communication delivered by certified mail, return receipt requested, contact the owners of all existing or planned communications towers, as well as suitable building mounted sites of a height roughly equal to or greater than the height of the proposed communications tower proposed by the applicant which are located within a three (3) air mile radius from the center of the base of the proposed communications tower. At the time of the pre-application meeting, the applicant shall provide a list of all owners contacted, the date of such contact, and the form and content of such contact. The application will not be considered complete without submission of the list.

c. Shared use is not precluded simply because a reasonable fee for shared use is charged or because of reasonable cost necessary to adapt the existing and proposed uses to a shared communications tower. The Township Zoning Hearing Board may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new communications tower construction and the cost of ground rental or acquisition are presumed unreasonable.

(3) An applicant intending to share use of an existing communications facility shall be required to document the intent of the existing owner to share use.

(4) In the event an application to share use of an existing communications facility will not result in an increase in its height, the Township Zoning Officer shall waive such requirements regarding the application as required by this Ordinance for good cause shown, except for the annual fee and annual testing requirements.

(5) All new communications towers shall be designed to structurally accommodate a minimum of four (4) additional users.

D. Inventory of Existing Sites.

(1) Each applicant for a communications tower or antenna shall provide to the Township Zoning Officer an inventory of its existing towers or antennas or sites approved for towers or antennas within the jurisdiction of Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower or antenna. The Zoning Officer may share such information with other applicants or other organizations applying for approval under this Ordinance seeking to locate communications towers or antennas within the

jurisdiction of the Township, and the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(2) An applicant shall also submit a comprehensive report inventorying all other existing towers and other appropriate structures within a three (3) mile radius of any proposed new communications tower site, unless the applicant can show some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction or providing a sound explanation why such co-siting is not feasible.

E. Lot Size. For purposes of determining whether the installation of a communications tower or antenna complies with zoning district development regulations, including but not limited to setback requirements:

(1) The dimensions of the lot shall control (even though the tower or antenna may be located on leased parcels with such lot) and shall be governed by applicable area and bulk regulations of the zoning district in which it is located.

(2) All lots must conform to the area requirements of the underlying zone.

(3) For all communications towers, the site shall be of sufficient size to provide the setback required in the underlying zoning district between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines, except that communications towers shall be set back the greater of the following:

a. A distance equal to one hundred ten percent (110%) of the height of the tower including antennas;

b. The required setback of the underlying zoning district; or

c. A minimum of fifty (50) feet from any existing or planned right-of-way or existing property line.

(4) Only one communications tower is permitted per lot.

F. Aesthetics. Communications towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and be architecturally compatible with surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and

supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) All applications for new communications facilities shall, in a manner approved by the Township Zoning Hearing Board, demonstrate and provide in writing and/or by drawing how the applicant will effectively screen from view its proposed communications facility base and related structures. The type and number of planting and landscaping shall be determined at the Zoning Hearing Board hearing on the application.

G. Lighting. Communications towers and antennas shall be artificially lighted based on the applicable circumstances. The lighting alternatives and design will conform to FAA regulations and must cause, to the extent possible, the least disturbance to the surrounding views.

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H. State or Federal Requirements. All new communications facilities must meet or exceed current standards and regulations of the Federal Department of Transportation, the Federal Aviation Administration ("FAA"), the Federal Communications Commission ("FCC"), the Pennsylvania Department of Transportation ("PennDOT"), and any other state or federal agency with the authority to regulate towers and antennas. If such standards and regulations are subsequently changed, the owners of the communications facilities governed by this Ordinance shall be in compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring communications facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the communications facilities at an owner's expense. FAA guidelines which allow for "Obstacle Free Zones" with respect to public airstrips shall apply to both public and private airstrips in the Township.

I. Building Codes; Safety Standards. To ensure the structural integrity of communications facilities and related structures, an owner shall ensure the following:

(1) A communications facility is designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended, and in compliance with standards contained in current applicable state or local building codes and the current applicable standards as published by the Electronic Industries Association (or any successor agency), as amended from time to time. All applications for development of a communications facility shall verify compliance with these various standards.

(2) A communications tower and antennas erected thereon shall be designed to withstand wind gusts in accordance with the current state building code or BOCA Code standards, if any are adopted, and other state laws and regulations and local ordinances.

(3) Buildings and support equipment associated with communications facilities shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure and shall comply with the requirements of this Ordinance, applicable building code regulations adopted by the Township, and other applicable laws, rules and regulations of the

Township and the state and federal governments.

(4) Where and when reasonably possible, all communications towers shall be free-standing and/or a self-supporting design and shall not utilize guy wires and/or guy anchors.

(5) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Township Zoning Hearing Board, sealed by a professional engineer, to document and verify the design specifications of the foundation for a communications tower and anchors for guy wires, if used.

(6) If, upon inspection, the Township concludes a communications facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice to the owner of the communications facility, the owner shall have thirty (30) days or as many days as permitted by law and the Township shall take such action as permitted by law to bring such facility into compliance with such standards. Failure to bring such facility into compliance within the time permitted shall constitute grounds for the removal of the communications facility at the owner's expense.

J. Measurement. For purposes of measurement, tower setbacks, tower heights, and separation distances shall be calculated and applied to communications facilities located in the Township regardless of municipal jurisdictional boundaries.

K. Essential Services.

(1) Communications towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(2) All new communications towers shall be designed to accommodate communications equipment for use by emergency service agencies (i.e., police, fire, ambulance, etc.) or other governmental agencies.

L. Franchises. Owners and/or operators of communications towers or antennas shall certify to the Township that all franchises required by law for the construction and/or operation of a communication system in the Township have been obtained and shall file true and correct copies of such required franchises with the Township.

M. Public Notice. For purposes of this Ordinance, any special exception request, or variance request, or appeal of an approval or denial of said request shall require public notice to all abutting property owners and all property owners of properties located within the corresponding separation distance, as defined herein, in addition to any notice otherwise required by the Township Zoning Ordinance.

N. Signs. No signs shall be allowed on a communications tower, antenna or fence enclosure, except where required by law or approved by the Township. The use or any portion of a communications facility for signs other than for warning or equipment signs is prohibited.

O. **Multiple Communications Tower/Antenna Plan.** The Township encourages the users of communications facilities to submit a single application for approval of multiple communications towers and/or antennas sites.

P. **Access.**

(1) The communications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance. In addition, an applicant must authorize inspections of the communications facility by the Township for health and safety purposes.

(2) Access to the communications facility shall be by the means of a public street or an easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet with a dust-free, all-weather surface for the entire length.

(3) All communications facilities, including any guy wires and related structures, shall be located, fenced or otherwise secured in a manner which prevents unauthorized access, specifically as follows:

a. All communications towers, antennas and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed on or run into.

b. Transmitters and telecommunications control points must be installed such that they are readily accessible only to persons authorized to operate or service them.

c. All communications towers shall be surrounded by a twelve (12) foot fence not capable of being climbed with barbed wire extending in an outward direction around the top of said fence.

d. One off-street parking space shall be provided within the fenced area.

Q. **Maximum Height.** The maximum height of a communications facility shall be one hundred ninety five (195) feet from pre-existing grade. The height of an equipment building shall be regulated by the building height requirements of the underlying zoning district.

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R. **Electromagnetic Emissions Testing.**

(1) Prior to final approval of an application, all new communications facilities must obtain and provide to the Township a statement from an engineer qualified in the field of radio frequency engineering certifying the communications facility is within the current applicable FCC standards for safety levels with respect to human exposure to radio frequency electromagnetic fields. Annual testing for human exposure safety standards shall be conducted thereafter by an independent laboratory or qualified engineer to determine whether there has been any change since initial testing and whether a communication facility's levels continue to be within the

applicable standards.

(2) Within three (3) months of the effective date of this Ordinance and annually thereafter, all existing communications facilities shall obtain a statement from an engineer qualified in the field of radio frequency engineering certifying the communications facility is within the current applicable FCC standards for safety levels with respect to human exposure to radio frequency electromagnetic fields. If the testing shows the communications facility's emissions, frequencies, and radio frequency electromagnetic fields are not within applicable safety levels with respect to human exposure, the system shall be deactivated until it is demonstrated that current applicable safety standards have not been exceeded.

(3) All testing shall be paid for by the owner or permittee.

(4) Additional testing shall occur at the time an additional use co-locates at a communications facility and annually thereafter. Before a co-location is approved, a cumulative study shall be conducted. Between thirty (30) days and forty-five (45) days after the additional user activates its co-located equipment, the new applicant shall have performed another test of the type described in subsection (1) above. If the additional test shows the communications facility's emissions, frequencies, and radio frequency electromagnetic fields are not within the applicable safety levels with respect to human exposure, the system shall be deactivated until it is demonstrated by the co-location applicant and other users of the communications facility that applicable safety standards have not been exceeded.

S. Certified Report. All applications for a new communications tower shall be accompanied with a report by a certified engineer documenting the following:

(1) Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design. A cross section of the entire facility shall be included.

(2) Total anticipated capacity of the site, including number and types of antennas which can be accommodated.

(3) Evidence of structural integrity of the tower structure as required by the Township's building inspector or engineer.

(4) Failure characteristics of the communications tower and demonstration that the site and setbacks are of adequate size to accommodate debris.

(5) Ice hazards and mitigation measures which have been employed, including increased setbacks and/or deicing equipment.

(6) Specific design and construction plans which include the means by which shared use requirements will be met.

T. Balloon Test. In order to better inform the public, in the case of a new

communications facility on an existing structure where the application proposes to increase the height of the existing structure, an applicant shall, prior to the public hearing on the application, hold a "Balloon Test" as follows:

(1) Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot diameter brightly colored balloon at the maximum height of the proposed new communications tower or facility. The dates (including a second date, in case of poor visibility on the initial date), times and location of this Balloon Test shall be advertised by the applicant at least seven (7) days and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the Township and designated by the Township Board of Supervisors from time to time. The applicant shall inform the Township Zoning Hearing Board, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for a period of seven (7) consecutive days between the hours of 6:00 a.m. and 8:00 p.m. on the days specified in the public notices required herein.

(2) The applicant will provide the Township Zoning Hearing Board with a copy of a written analysis completed by a qualified individual or organization to determine if the proposed communications tower or existing structure intended to support a communications antenna or facility requires lighting under FAA Regulation Part 77. If this analysis determines the FAA must be contacted, then all filings with the FAA, all responses therefrom, and any related correspondence shall be provided to the Township Zoning Officer within a timely manner.

1038.05 General Provisions Applicable to Communications Antennas

A. If a communications antenna is to be mounted on an existing structure (i.e., communications tower, smoke stack, water tower, silo), a full site plan shall not be required but the height of the antenna shall not exceed the height of the existing structure by more than twenty (20) feet.

B. The applicant shall demonstrate that the existing structure is capable of supporting the proposed communications antenna by submission of a written report, certified by a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

C. All equipment associated with a roof-mounted communications antenna except for the antenna must be located so as not to be visible from adjoining properties and/or be screened from public view.

D. A building-mounted communications antenna shall not be located on any single-family dwelling or two-family dwelling.

E. A directional or panel communications antenna shall not exceed five (5) feet in height and three (3) feet in width.

F. Detailed construction and elevation drawings shall be submitted for a proposed communications antenna to be mounted on a building or other structure. The drawings submitted

shall indicate how the antennas will be mounted and shall comply with all applicable building codes and standards adopted by the Township and state.

G. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted.

H. Communications antennas shall comply with all applicable standards adopted by the FCC for safety levels with respect to human exposure to electromagnetic fields as the same shall exist at the time of application.

I. Communications antennas shall not cause radio frequency interference with other communications antennas located in the Township at the time of application.

J. A communications equipment building shall be subject to the height requirements of the applicable zoning district for an accessory structure. The communications equipment building shall comply with all applicable building codes and standards adopted by the Township and state.

K. The owner or operator of any communications antenna shall be licensed by the FCC to operate such antenna.

1038.06 Special Exception Permit Application Procedure

A. All applicants for a special exception permit for construction or modification of a communications facility shall comply with the requirements set forth in this section.

B. The Township Zoning Hearing Board is the agency or body of the Township officially designated and authorized to receive, review, analyze, evaluate, and make decisions with respect to applications for and granting, denying, recertifying or revoking a special exception permit for communication facilities. The Township Board of Supervisors may, at its discretion, delegate or designate other official agencies or contractors of the Township to accept, review, analyze, evaluate and make recommendations to the Township Zoning Hearing Board with respect to the granting, denying or revoking special exception permits for communications facilities. The Township Board of Supervisors may hire any consultant and/or expert necessary to assist the Township Zoning Hearing Board in reviewing and evaluating an application.

C. A pre-application meeting shall be conducted between an applicant and the Township Zoning Officer in order to determine the sufficiency of the application prior to acceptance for filing purposes.

D. The applicant shall include a statement in writing:

(1) The applicant's proposed communications facility shall be maintained in a safe manner and in compliance with all conditions of the special exception permit, without exception, unless specifically granted relief in writing by the Township Zoning Hearing Board, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all

applicable county; state and federal ordinances, laws, rules and regulations.

(2) The construction of the communications facility is legally permissible including, but not limited to, the fact the applicant is authorized to do business in the Commonwealth of Pennsylvania.

E. An applicant shall deposit with the Township funds sufficient to reimburse the Township for all reasonable costs of consultant and expert evaluation and consultation to the Township Zoning Hearing Board in connection with the review of any application. The initial deposit shall be as set forth in a fee schedule established by Resolution of the Township Board of Supervisors and amended from time to time. These funds shall accompany the submission of an application and the Township will maintain separate accounting for all such funds to be used for such costs. The Township's consultants/experts shall bill or invoice the Township for their services in reviewing an application and performing duties related to the application. In the event the amount paid to the Township is more than the amount of the actual billing or invoicing at the conclusion of the review process, the remaining balance shall be promptly refunded to the applicant. The total amount of deposit requested may vary with the scope and complexity of the proposed project, the completeness of the application, and other information as may be needed by the Township Zoning Hearing Board or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as required and requested by the Township, shall be paid by the application in a timely manner.

F. At the time an application is submitted for a special exception permit for a new communications tower or facility for filing persons, the applicant shall pay a non-refundable application fee as set forth in a fee schedule established by Resolution of the Township Board of Supervisors and amended from time to time. Applicants for communications antennas only shall pay a lesser non-refundable fee as set forth in the same fee schedule.

G. An application for a special exception permit for a communications facility shall be signed on behalf of the application by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Township Zoning Hearing Board, any false or misleading statement in the application may subject the applicant to denial of the application by the Board without further consideration or opportunity for correction.

H. Applications not meeting the requirements stated herein, or which are otherwise incomplete, may be rejected by the Township Zoning Hearing Board.

I. Upon acceptance of an application, the same will be filed and the proceedings shall occur consistent with the terms of the Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code, including the scheduling of a public hearing on the application and the submission of written findings and conclusions of law following the conclusion of the hearing.

J. No communications facility shall be installed or constructed until the site plan and a site reconnaissance is reviewed and approved by the Township Zoning Hearing Board and the

special exception permit has been issued.

K. All applications for the construction or installation of new communications facilities or modifications to existing communications facilities shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a license professional engineer registered in the Commonwealth of Pennsylvania. Where this section calls for certification, such certification shall be by a qualified Pennsylvania State licensed professional engineer. The application shall include, in addition to the other requirements for the special exception permit, the following information:

(1) Documentation that demonstrates the need for the communications facility to provide service primarily within the Township;

(2) Name, address and phone number of the person preparing the report;

(3) Name, address and phone number of the property owner, operator and applicant, to include the legal form of the applicant;

(4) Postal address, tax map parcel number and legal description of the subject property, whether leased or owned;

(5) Zoning district or similar designation in which the subject property is located;

(6) A site plan drawn to scale prepared by either a registered surveyor or a registered professional engineer showing property line locations, size of the property stated both in square feet and lot line dimensions, power location, proposed communications facility location, driveways, access, fences (location and method) and other camouflage, parking, lighting, and landscape plan and in accordance and compliance with all applicable provisions of the Township Subdivision and Land Development Ordinance, as applicable;

(7) Location of nearest residential structure;

(8) Location of nearest habitable structure;

(9) Location, size and height of all structures on the property which the subject of the application;

(10) Location, size and height of all proposed and existing antennae and all appurtenant structures;

(11) Type, locations and dimensions of all proposed and existing landscaping and fencing;

(12) Number, type and design of the communications facility proposed and the basis for the calculations of the facility's capability to accommodate multiple users;

(13) Make, model and manufacturer of the communications facility;

(14) A description of the proposed communications facility proposed and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

(15) Frequency, modulation and class of service of radio or other transmitting equipment;

(16) Transmission and maximum effective radiated power of the communications facility;

(17) Direction of maximum lobes and associated radiation of the communications facility;

(18) Applicant's proposed maintenance and inspection procedures and related system of records;

(19) Certification that NIER levels at the proposed site are within the threshold adopted by the FCC, which certification shall be reviewed by a licensed professional engineer designated by the Township;

(20) Certification that the proposed communications facility will not cause interference with existing telecommunications devices, which certification shall be reviewed by a licensed professional engineer designated by the Township;

(21) A copy of the FCC license applicable for the use of the proposed communications facility;

(22) Certification that a topographic or geomorphologic study and analysis has been conducted and, taking into account the subsurface, substrata, and proposed drainage plan, that the site of the proposed communications facility is adequate to assure stability on the proposed site, which certification shall be reviewed by a licensed professional engineer designated by the Township;

(23) Propagation studies of the proposed sites and all adjoining proposed, in-service or existing sites;

(24) Applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new communications facility the applicant constructs;

(25) Name, address and emergency telephone number of the operator of the communications facility; and a certificate of insurance as described in more detail in Section 1038.08 below;

(26) A description of compliance with all federal, state or local laws, as applicable, including copies of all operating permits.

1038.07 Special Exception Criteria/Standards of Approval

A. A special exception permit is required for the placement of communications facilities in the applicable zoning districts.

B. Applications for a special exception permit pursuant to this Ordinance shall be made to the Township Zoning Hearing Board and accompanied by the material and other data required pursuant to this Ordinance, as well as other data which the Zoning Hearing Board may deem necessary to implement the purposes of this Ordinance. All applications, along with the material and data required by this Ordinance shall be accompanied by such fees as set forth in a fee schedule adopted by Resolution of the Township Board of Supervisors.

C. The Township Planning Commission and Board of Supervisors may make recommendations regarding the application as permitted by law. Such recommendations shall be by motion and in writing and may be submitted or presented to the Township Zoning Hearing Board by the Township Solicitor and/or any other consultant the Township desires.

D. The Township Zoning Hearing Board shall timely conduct a public hearing on the application pursuant to public notice, as required by law.

E. The Township Zoning Hearing Board shall timely render a written decision on the application after the public hearing, as required by law.

F. The Township Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance, as amended.

G. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a Pennsylvania State licensed professional engineer.

H. In addition to any standards for consideration of a special exception as established in the Township Zoning Ordinance, the following shall be considered additional factors in the consideration for grant of a special exception permit by the Township Zoning Hearing Board for a communications facility:

(1) Height of the proposed communications facility;

(2) Proximity of the communications facility to residential structures and residential zoning district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding tree coverage and foliage and fencing and landscaping;

(5) Design of the communications facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including placement of tower and antennas below the ridge line;

(6) Proposed ingress and egress and available parking;

(7) No radio frequency interference with other communications facilities located in the Township;

(8) Communications facility complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation;

(9) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure;

(10) The owner or operator of the proposed communications facility shall be licensed by the FCC to operate such facility;

(11) Proposed communications facility complies with all applicable FAA, Commonwealth Bureau of Aviation, and applicable airport zoning regulations as applicable;

(12) Access to the proposed communications facility to be provided by means of a public street or easement to a public street as discussed previously herein;

(13) Setbacks. The following setback requirements shall apply to all communications towers for which a special exception permit is required:

a. Towers must be set back a distance equal to the height of the tower from any adjoining lot line in the event the height of the tower exceeds the required separation distance.

b. Guide wires and accessory buildings must satisfy the minimum zoning district setback requirements and be located within the fence enclosure.

(14) Separation. Separation from adjoining zoned land shall apply to all communications facilities. "Separation distance" is determined as a measurement from the base of a communications facility to the closest property line:

a. Residentially zoned land: 200 foot separation distance.

b. Non-residential zoned land: 100 foot separation distance, unless communications facility height exceeds 100 feet in which separation distance would equal the height of the tower.

(15) Color of support structures should camouflage or conceal them; and

(16) Lighting and signage as discussed previously in other sections of this Ordinance.

I. With respect to the availability of other suitable existing communications facilities, structures or alternative technology, an applicant must demonstrate the proposed communications facility cannot be accommodated, including the following evidence:

(1) No existing communications towers or structures are located within the geographic area which meet the applicant's engineering requirements;

(2) Existing communications towers or structures do not have sufficient structural strength to support applicant's proposed communications facility and related equipment.

(3) Applicant's proposed communications facility would cause electromagnetic interference with existing communications facilities or vice versa;

(4) The fees, costs, or contractual provisions required by the owner in order to share an existing communications facility or to adapt an existing communications facility for sharing are unreasonable. Costs exceeding new communications facility development are presumed to be unreasonable;

(5) There are other limiting factors rendering existing communications facilities unsuitable;

(6) An alternative technology that does not require the use of communications facilities is unsuitable or cost prohibitive. Costs of alternative technology that exceed new communications facility development shall not be presumed to render the technology unsuitable.

1038.08 Other Requirements

A. **Building Permit.** An applicant shall obtain a building permit in accordance with the Township requirements prior to commencement of construction or any modification of any communications tower or facility.

B. **Occupancy Permit.** Prior to a Certificate of Use and Occupancy being issued by the Township, the applicant shall submit to the Zoning Officer an engineer's certification that communications tower or facility is constructed as designed.

C. **Annual Use Permit Fee.** Beginning January 1 of the year following the effective date of this Ordinance and annually thereafter, the owner of each new and existing communications tower or facility shall remit to the Township an annual use permit fee as set by Resolution of the Township Board of Supervisors from time to time. The fee shall be payable no later than February 1 of each calendar year for each year the facility is in use.

Certificate of Insurance. Beginning January 1 of the year following the effective date of this Ordinance and annually thereafter, the owner of each new and existing communications

tower or facility shall submit to the Township a copy of a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000.00 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence specifically covering the communications facility and naming the Township as an additional insured..

E. Annual Certification. Beginning January 1 of the year following the effective date of this Ordinance and annually thereafter, in January of each year, an inspection of every communications tower or facility shall be performed by an independent professional engineer acceptable to the Township and paid for by the owner. Verification shall be provided to the Zoning Officer that there have been no changes in the operating characteristics of the communications facility from its standards as approved previously. In the event the annual inspection is not performed in a timely manner, the owner shall be subject to enforcement proceedings as outlined in the Township Zoning Ordinance.

F. Annual Report. By February 1 of the year following the effective date of this Ordinance and annually thereafter, the owner of every communications facility shall submit the following information to the Township Secretary:

(1) Names and addresses of owner of facility and any organizations utilizing the facility and telephone numbers of the appropriate contact person in case of emergency.

(2) Name and address of the real property owner on which the communications facility is located.

(3) Location of the communications facility by geographic coordinates, indicating the latitude and longitude.

(4) Output frequency of any transmitter.

(5) Certification signed by two officers of the applicant stating the communications facility is continuing to comply with this Ordinance and all applicable governmental regulations, including but not limited to output and emission limits established by the FCC.

(6) Proof of current certificate of liability insurance with coverages as specified in other sections of this Ordinance.

(7) Type of modulation, digital format and class of communications service..

(8) Communications antenna(e) gain including:

a. Effective radiated power of the antenna(e).

b. Number of transmitters, channels and commercial communications antenna(e).

c. Copy of the owner's or operator's FCC current authorization.

- d. Power input to the antenna(e).
- e. Distance to nearest base station.

G. Escrow Fund. In order to fund the removal of any unused or unmanned communications facility, prior to final approval of an application, an applicant shall deposit with the Township financial security in the form of a letter of credit or other form as approved by the Township. The amount is to be determined by agreement between the applicant and the Township Engineer. The purpose of the financial security is to ensure the Township does not have to use monies from the general fund to remove a communications facility.

1038.09 Relief and Exemptions From Ordinance Requirements

Any applicant desiring relief or exemption from any aspect or requirement of this Ordinance may request such from the Township Zoning Hearing Board, provided the relief or exemption is contained in the original application for a special exception permit. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the Township Zoning Hearing Board. The burden of proving the need for the requested relief or exemption is solely on the applicant to prove to the satisfaction of the Township Zoning Hearing Board. The applicant shall bear all costs of the Township and Zoning Hearing Board in considering the request and the relief shall not be transferable to a new or different holder of the special exception permit or owner of the communications facility without the specific written permission of the Township. Such permission shall not be unreasonably withheld or delayed. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the relief or exemption will have no significant effect on the health, safety or welfare of the Township, its resident and other service providers.

1038.10 Abandonment and Removal of Communications Facilities

Upon notice from the Township, a communications facility and all related structures shall be dismantled and removed from the premises within one (1) year of their abandonment, obsolescence or cessation of use. If not removed, or if substantial progress has not been made to remove the communications facility within ninety (90) days after the owner or special exception permit holder has received notice, then the Township may order officials or representatives of the Township or contractors hired by the Township to remove the communications facility at the sole expense of the owner or special exception permit holder. The Township will not be liable for any damage or waste and may discard without liability or obligation or sell any salvageable material and retain the proceeds at its election, but with no obligation to sell the same. An owner or permittee shall be required to post bond prior to the issuance and delivery of a special exception permit in the amount of \$100,000.00 to cover the cost of dismantling a communications facility.

1038.11 Non-Conforming Uses

A. Conforming Use. Communications facilities that are constructed and/or installed in accordance with the provisions of this Ordinance shall be deemed a conforming use.

B. **Pre-Existing Communications Facilities.** Permitted pre-existing communications facilities shall not constitute non-conforming uses and shall be allowed to continue their usage as they presently exist, provided the permit has not expired and pursuant to the provisions of the Township Zoning Ordinance. Routine maintenance (including replacement with a new facility of like construction and height) shall be permitted on such pre-existing facilities. New construction other than routine maintenance on a pre-existing facility shall comply with the requirements of this Ordinance.

C. **Rebuilding Damaged or Destroyed Non-Conforming Communications Facilities.** Non-conforming facilities that are damaged or destroyed may be rebuilt without having to meet the requirements specified in these regulations as provided in the Township Zoning Ordinance. The type, height, and location of the communications facility on-site shall be of the same type and intensity as the original non-conforming facility. Building permits to rebuild the non-conforming facility shall comply with the then applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no building permit is obtained or if said permit expires, the communications facility shall be deemed abandoned and the provisions of Section 1038.10 of this Ordinance shall apply.

1039. **Home Occupations** A Home Occupation use shall be a use permitted by right in all Zoning Districts.
- 1039.01. The Home Occupation use shall be secondary to the use of the property as a residence.
- 1039.02. No more than two non-resident persons shall be employed by the Home Occupation.
- 1039.03. No machinery or equipment used in or by the Home Occupation shall produce noise, odor, vibration, light or electrical interference at or beyond the property line as follows:.

Noise and Vibration

- (1) Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Sound Levels by Receiving Land Use

<u>Zoning or use of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leq) Limit</u>
Residential, Agricultural, or Commercial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	50 dBA
	plus Sundays and legal holidays	
Industrial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	65 dBA
	plus Sundays and legal holidays	

If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

The emission of sound for the purpose of alerting persons to the existence of an emergency.

Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.

Construction operations.

Lawn and landscaping maintenance equipment.

Motor vehicle operations.

Agricultural operations

- (2) No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

1039.04. There shall be no external storage of materials or products.

1039.05 All deliveries to and all shipments from the residence shall be made between 7:00 a.m. and 8:00 p.m.

1039.06 Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of four (4) offstreet Parking Spaces provided for the Home Occupation use. No onstreet parking shall be permitted for a Home

Occupation use.

- 1039.07 Signage shall be as set forth in Section 1029 of this Ordinance.
- 1039.08 The exterior of the structure or premises shall be constructed and maintained as a residential dwelling.
- 1039.09 No tractor-trailer, combination or straight-truck with a box in excess of twenty feet in length shall make deliveries to or accept shipments from the Home Occupation.
- 1039.10 The area for the practice of the Home Occupation shall not exceed fifty percent (50%) of the habitable floor area.
- 1040 Home Premises Business Home Premises Business use shall be a use permitted by Right in all Zoning Districts.
- 1040.01 The Home Premises Business use shall be secondary to the use of the property as a residence.
- 1040.02 No more than five (5) non-resident persons shall be employed in the Home Premises Business.
- 1040.03 Noise and Vibration

- (1) Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Sound Levels by Receiving Land Use

<u>Zoning or use of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leg) Limit</u>
Residential, Agricultural, or Commercial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	
	plus Sundays and legal holidays	50 dBA
Industrial	7:00 a.m. – 9:00 p.m.	60 dBA
	9:00 p.m. – 7:00 a.m.	

If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

The emission of sound for the purpose of alerting persons to the existence of an emergency.

Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.

Construction operations.

Lawn and landscaping maintenance equipment.

Motor vehicle operations.

Agricultural operations

- (2) No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.
- 1040.04 There shall be no external storage of materials or products in the LDR or HDR districts. External storage of materials or products shall be permitted in the other districts, the location of such materials shall be subject to the setback requirements of the appropriate zoning district. Material storage areas must be screened in accordance with the landscape screening requirements of this ordinance. Under no circumstances shall discarded, unusable or other similar materials be stored outside of fully enclosed buildings.
- 1040.05 All deliveries to and all shipments from the property shall be made between 7:00 a.m. and 8:00 p.m.
- 1040.06 Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of seven (7) offstreet Parking Spaces provided for the Home Premises Business use. No onstreet parking shall be permitted for a Home Premises Business use.
- 1040.07 Signage shall be as set forth in Section 1029 of this Ordinance.

1041 BULK WATER EXTRACTION (This shall exclude the withdrawal of water for use and/or consumption on the property where the water is withdrawn, and shall exclude water withdrawal for agricultural uses).

The applicant shall bear the responsibility of demonstrating that each of the following standards, if applicable, is or will be satisfied prior to commencement of operation. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.

- 1041.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed and qualified professionals, at least 20 days prior to the first scheduled public hearing on the application for special exception.
- 1041.02 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed and qualified professionals, at least 20 days prior to the first scheduled public hearing on the application for special exception.
- 1041.03 Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed and qualified professionals, at least 20 days prior to the first scheduled public hearing on the application for special exception.
- 1041.04 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.
- 1041.05 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur. Further, such facilities shall have all truck accesses onto roads classified as Arterial Roads only. This may be accomplished by the creation of new Arterial roads which would directly connect to existing Arterial roads, or by the improvement of existing non-Arterial roads to Arterial road standards from the facility to an existing Arterial road.
- 1041.06 The use is appropriate for the site.
- 1041.07 The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.

1042 MINERAL EXTRACTION AS IT PERTAINS TO QUARRY OPERATIONS

The applicant shall bear the responsibility of demonstrating that each of the following standards, if applicable, is or will be satisfied prior to commencement of operation. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.

- 1042.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by

duly licensed and qualified professionals, at least 20 days prior to the first scheduled public hearing on the application for special exception.

- 1042.03 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed and qualified professionals, at least 20 days prior to the first scheduled public hearing on the application for special exception.
- 1042.04 Applicant shall provide a Environmental Impact Analysis, prepared and certified by duly licensed and qualified professionals, at least 20 days prior to the first scheduled public hearing on the application for special exception.
- 1042.05 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.
- 1042.06 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur. Further, such facilities shall have all truck accesses onto roads classified as Arterial Roads only. This may be accomplished by the creation of new Arterial roads which would directly connect to existing Arterial roads, or by the improvement of existing non-Arterial roads to Arterial road standards from the facility to an existing Arterial road.
- 1042.07 The use is appropriate for the site.
- 1042.08 The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- 1042.09 No activity involving the removal, extraction or processing of minerals shall generate or emit air pollutants in excess of the standards established by the Commonwealth of Pennsylvania.
- 1042.10 All quarries, pits, surface mines or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its rules and regulations and/or any other applicable state law, rule or regulation.
- 1042.11 All quarries, pits surface mines or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by the landowner for his own non-commercial purposes from land owned or leased by him, but including all other extractions, shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state law, rule or regulation.
- 1042.12 A fence of a minimum height of eight (8) feet shall be maintained so as to enclose the mining area, all machinery and all stockpiles.
- 1042.13 Gates, which shall be locked except during business hours, shall be located at all entrances.

- 1042.14 No storage of products, by-products, over-burden or cover materials shall be located closer than one hundred (100) feet from any lot line, nor within one hundred (100) feet from any street not located within the lot.
- 1042.15 No storage of products, by-products, over-burden or cover materials shall exceed a height of fifty (50) feet above grade.
- 1042.16 No quarrying or mining activities and no buildings, structures and equipment shall be located closer than one hundred (100) feet from any lot line, nor within one hundred (100) feet of any street not located within the lot, nor closer than one hundred (100) feet from any district boundary line, provided that an office or storage building may be located no closer than fifty (50) feet to the same.
- 1042.17 Minimum lot size shall be 5 acres in the I.**
- 1042.18 All blasting operations shall conform to the requirements the Pennsylvania Department of Mines and Mineral Industries, and with all other applicable state and federal laws, rules and regulations. Blasting shall not be permitted between 5 p.m. and 7 a.m. and shall not be permitted on Sundays.
- 1042.19 Where materials are removed from the site, it shall be done in such a manner as to not cause any debris or other material to be deposited beyond the site boundaries.
- 1042.20 All machinery and devices used for extraction purposes shall be removed from the site upon completion of the process.
- 1042.21 Activities shall not cause earth movements or erosion to extend beyond the lot boundaries.
- 1042.22 A planting strip of not less than ten (10) feet in width shall be placed within all side and rear yards or along fences surrounding the mining area, and shall contain evergreen plant material which is planted at a minimum height of four (4) feet and will attain and shall be maintained at a height of not less than eight (8) feet.
- 1043 Air Management
- a. No gases, vapors, or particulates shall be emitted from the facility which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors or particulates originate.
 - b. No radioactive vapors or gases shall be emitted from the facility in amounts which are harmful.
 - c. The emission of any smoke at a density to the Method 9 federal guidelines of the EPA Air Quality Program) for any three (3) minute period, but at no time may the opacity be greater than sixty percent (60%). This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the

emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack.)

1044 Interference with Airport and Heliport Operation:

No structure may be erected that would result in the revocation of a license to operate an airport or heliport.

SECTION 1100 ZONING HEARING BOARD

1110 CREATION - APPOINTMENT - ORGANIZATION

1111 Creation of Board

The Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and as herein provided.

1112 Organization

The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

1113 Meetings

Meetings and hearings of the Board shall be held at the call of the chairman and at such times as the Board, by majority vote, may determine.

1114 Minutes and Records

The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Secretary of the Board of Supervisors.

1120 JURISDICTION OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall have jurisdiction to hear and decide to following matters:

- 1120.01 Substantive challenges to the validity of this Ordinance.
- 1120.02 Challenges to the validity of this Ordinance raising procedural question or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the Ordinance.
- 1120.03 Appeals from a determination of the Zoning Officer, including, but not limited to, the granting or denial of a zoning permit, the failure to act upon an application for a zoning permit, the issuance of a cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
- 1120.04 Appeals from a determination by the municipal engineer or zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- 1120.05 Applications for variance from the terms of this Ordinance. Applications for variance shall be decided under the standards set forth in section 1121 of this Ordinance.
- 1120.06 Applications for special exception use when provided by this Ordinance. Applications for special exception use shall be decided under the standards set forth in section 1122 of this Ordinance.
- 1120.07 Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- 1120.08 Appeals from the zoning officer's preliminary opinion obtained pursuant to the provisions of section 916.2 of the Municipalities Planning Code.
- 1120.09 Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as those opinions related to development not covered by the South Manheim Township Subdivision and Land Development Ordinance, as amended.
- 1120.10 All applications to the Zoning Hearing Board shall be forwarded to the Township Planning Commission and to the Board of Supervisors for review and comment prior to the scheduled date of the hearing.
- 1121 Variances . The Board shall hear applications for variances where it is alleged that the provisions of this Ordinance will inflict unnecessary hardship upon the applicant. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance, as amended, and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require

preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

- 1121.01 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
- 1121.02 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1121.03 That such unnecessary hardship has not been created by the appellant.
- 1121.04 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 1121.05 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- 1122 Special Exceptions. The Board shall issue, upon application, only such Special Exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The granting of a Special Exception, when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria:
 - 1122.01 Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.
 - 1122.02 Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
 - 1122.03 Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
 - 1122.04 Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

- 1122.05 Adequate provisions shall be made for the disposal and collection of stormwater runoff.
- 1122.06 Lighting shall not shine directly upon abutting streets or properties. No unshielded lights shall be permitted.
- 1122.07 Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which was adopted by the Township Supervisors.
- 1122.08 Services and utilities are available to adequately service the proposed use.
- 1122.09 The layout of the Parking Spaces, truck loading berths, and interior driveways shall be convenient and conducive to safe operation.
- 1122.10 In addition to the foregoing, when the Board considers an application for a special exception for a Highly Intensive Agriculture use in the A or I zoning districts, or any other use requiring a special exception within the Agricultural Preservation District, the following specific factors should be considered, when applicable:
- (a) The ability of the applicant to meet the standards generally accepted in Pennsylvania for such Intensive Agriculture or Highly Intensive Agriculture use activities.
 - (b) The ability of the applicant to reduce or abate odors and the continuing ability of the applicant to reduce or abate odors. The Zoning Hearing Board shall not consider the requirement that odors not be noticeable at the property line, unless the standards for such activity would allow for the complete abatement of odors.
 - (c) The amount of traffic that may be caused by the proposed activity and the condition of public roadways serving such activity. The applicant shall show that the proposed activity will not overburden township or state roadways nor will it cause nuisance to other neighboring agricultural activities or residences.

1130 RESERVED

1140 HEARINGS

The Zoning Hearing Board shall conduct hearings on matters within its jurisdiction and make decisions in accordance with the following criteria:

- 1140.01 Public Notice, as defined in this Ordinance, of the hearing shall be provided.
- 1140.02 Written notice of the hearing shall be given to the applicant, the Zoning Officer, the Township, all adjoining property owners and anyone who may have requested such notice.
- 1140.03 Written notice of the hearing shall be conspicuously posted at the Township Building, at the location where the hearing will be conducted, and at the subject

property at least seven (7) days prior to the scheduled hearing date.

- 1140.04 The first hearing on a matter within the jurisdiction of the Zoning Hearing Board shall be conducted within sixty (60) days of the date the completed application is accepted by the Zoning Officer, unless the applicant agrees in writing to an extension of such time.
- 1140.05 The parties to the hearing shall be the applicant, the Township and any person affected the application, provided such person has timely entered his appearance of record and in writing before the Board.
- 1140.06 The chairman or acting chairman shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and things.
- 1140.07 Parties to the hearing shall have the right to be represented by counsel and shall have an opportunity to present evidence, cross-examine witnesses and make legal argument.
- 1140.08 The formal rules of evidence shall not apply, but the Board, at its discretion, may limit or bar irrelevant, immaterial or repetitious evidence.
- 1140.09 The Board shall keep a stenographic record of the hearing.
- 1140.10 The members of the Board shall not communicate, directly or indirectly, with any person other than the Board's solicitor, about a matter before the Board while such matter is pending unless all parties to the matter are present and have an opportunity to participate.
- 1140.11 The members of the Board shall not accept any *ex parte* communication, whether in oral or written form, from any party or person regarding a matter pending before the Board.
- 1140.12 The Board shall render a written decision, which shall include findings of fact, discussion and conclusions of law, in each matter within forty-five (45) days of the date of the final hearing on the matter.
- 1140.13. The Board shall cause a copy of its written decision to be delivered to the applicant, to the Zoning Officer, to the Township, and to all persons who became parties to the case through the entry of a written appearance.

1150 STAY OF PROCEEDINGS

- 1150.01 While a matter is pending before the Board, all development shall be stayed, except as provided in section 1150.02.
- 1150.02 When the matter pending before the Board seeks to reverse or limit an approval previously given by the Zoning Officer or other Township agency, the land owner

may petition to the Court of Common Pleas of Schuylkill County to require the persons in opposition to the use post a bond as a condition of continuing the proceedings before the Board.

SECTION 1200 RESERVED

SECTION 1300 ADMINISTRATION AND ENFORCEMENT

1310 APPOINTMENT AND POWERS OF ZONING OFFICER

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. A Zoning Officer may institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

1311 Inspection of Premises

The Zoning Officer and his deputies and assistants after notification to owner and occupant and at a time agreeable to all parties involved, shall have the right and authority, at a time agreeable to both parties, to enter any building, structure, premises, lot, or land, whether already erected or put into use, or in the course of erecting and putting into use, for the purpose of determining whether or not the provisions of this Ordinance are being complied with.

1320 ZONING PERMITS

1321 Requirements

No building, structure, or sign shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to, or structurally altered nor shall land, buildings and structures be put to any use or have the use for which they are used changed, without a permit therefore issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a Variance, or upon order from a court of competent jurisdiction.

1322 Application Procedures

The application from a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure, or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by the following information:

- 1322.01 A map of the lot in question, drawn to scale, indicating the lot area and showing all dimensions of the lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures, and alterations to buildings or structures.
- 1322.02 The use, height, length, width, and proportion of the total lot area covered of all proposed and existing buildings, structures, signs, and additions or alterations to buildings, structures, and signs.
- 1322.03 A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and Home Occupations, the floor area to be devoted to each use shall be indicated.
- 1322.04 The number, location, and dimensions and design of parking and loading areas, recreation areas, signs, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and outdoor lighting.
- 1322.05 Method of proposed water supply and sewage disposal and the location of any on-lot facilities.
- 1322.06 All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- 1322.07 Only applications which contain all of the necessary information for the Zoning Officer to make a determination as to the conformity to the Zoning Ordinance, and which are accompanied by the required fee, will be considered complete.
- 1323 Approval or Disapproval
- 1323.01 The Zoning Officer shall, within ninety (90) days of acceptance of the completed application, determine whether the application fully complies with the provisions of this Zoning Ordinance and all other Township Ordinances. The Zoning Officer shall return one (1) copy of the application containing his determination and signature to the applicant. The Zoning Officer shall retain a copy of the determination for the Township files. If disapproved, the Zoning Officer shall attach a statement to the determination explaining the reasons therefore and informing the applicant of the right to appeal.
- 1324 Issuance and Posting of Permit

Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Zoning Permit which shall be visibly posted on the site of operations during the entire time of construction. The Permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not exceeding a total of two (2) years.

1325 Rights of a Permit Holder

A Zoning Permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

1330 CERTIFICATE OF OCCUPANCY

1331 Requirements

It shall be unlawful to use and/or occupy any principal building, principal structure, or part thereof, hereafter erected, constructed, assembled, reconstructed, replaced, or structurally altered, enlarged, or moved, in whole or in part, after the effective date of this Ordinance, or any principal building, principal structure, or part thereof of which the use is changed, until a certificate of occupancy has been obtained from the Zoning Officer.

1332 Ordinance Conformity

No certificate of occupancy shall be issued for any building or structure unless all of the provisions of this Zoning Ordinance and other rules, regulations, and Ordinances of the Township have been complied with, along with conditions set forth by the Zoning Hearing Board where applicable.

1333 Issuance

Upon the receipt of written notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his rights of appeal.

1334 Temporary Certificate of Use and Occupancy

Upon request of the holder of a permit and upon the approval of the Supervisors, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign, or portion thereof before the entire work covered by the permit shall have been completed. Such certificate shall be for a period not to exceed twelve (12) months and the applicant shall demonstrate his intent and formal arrangements to complete all work within the twelve (12) month period. Such portion or portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

1340 SCHEDULE OF FEES

The Supervisors shall establish, by resolution, a schedule of fees for requests for zoning permits, certificates of use and occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer.

Until all application fees and charges have been paid in full, no action shall be taken on any application or appeal.

1350 ENFORCEMENT NOTICE

1351 If it appears that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

1352 The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

1353 The enforcement notice shall state at least the following:

- (1) The name of the owner of record and any other person against whom the Township intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board

within thirty (30) calendar days of receipt of the notice.

- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

1354 In any appeal of an enforcement notice to the Zoning Hearing Board the Township shall have the responsibility of presenting its evidence first.

1355 Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

1360 CAUSES OF ACTION. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Supervisors or, with the approval of the Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Supervisors of the Township. No such action may be maintained until such notice has been given.

1370 JURISDICTION. District Justices shall have initial jurisdiction over proceedings brought under section 1380.

1380 ENFORCEMENT REMEDIES.

1381 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District

Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Ordinance shall be paid over to the Township.

1382 The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

1383 Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

1400 PROCEDURES FOR AMENDMENT

1401 Power to Amend

The regulations and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed through amendment by the Township Supervisors.

1402 Procedure for Amendment

The procedure to be followed to amend this Ordinance shall be as set forth in Section 609 of the Municipalities Planning Code.

1403 Exemptions

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

1410 VALIDITY

If any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance or the location of any District boundary shown on the Zoning Map that forms a part thereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance or Zoning Map as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional.

1450 REPEAL

The South Manheim Township Zoning Ordinance of 1977, as amended, Ordinance No. 1977-1, and the South Manheim Zoning Ordinance of 1997, as amended, Ordinance No. 1997-2, are hereby repealed in their entirety. All zoning permits issued pursuant to the provisions of said Ordinances and all decisions of the South Manheim Township Zoning Hearing Board issued and granting relief pursuant to the provisions of said Ordinances,

are hereby rescinded. Any use, lot and/or structure lawfully existing on the effective date of this Ordinance that does not comply fully with the applicable provisions of this Ordinance shall be deemed to constitute a nonconforming use, lot or structure.

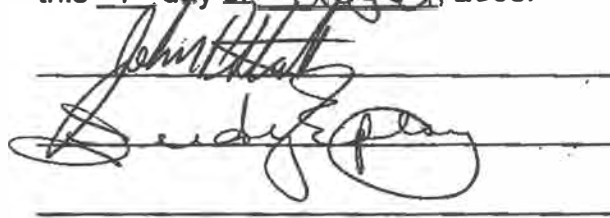
All other ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

1500 EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption, as required by law.

Enacted and ordained into an Ordinance

this 7th day of August, 2006.

The image shows two handwritten signatures on a set of three horizontal lines. The first signature is written on the top line and appears to be "John H. Hatt". The second signature is written on the middle line and appears to be "Sandy P. P.". The bottom line is empty.

