

**ARTICLE XXV. PERFORMANCE STANDARDS** (Amended by Ordinance 2021-04, dated June 28, 2021)

**SECTION 2501. APPLICABILITY**

In addition to all other requirements of this ordinance, the following performance standards shall apply to specific uses permitted in the various zoning districts.

**SECTION 2502. ADULT ESTABLISHMENTS**

Adult establishments shall comply with all of the following requirements:

1. No building that contains any adult establishment shall contain any other kind of adult establishment.
2. No more than one adult establishment shall be permitted in anyone building.
3. No adult establishment shall be located within the following distances, measured in a straight line without regard to intervening structures, from the closest point of the building within which the adult establishment is located to the closest point of the following:
  - A. One thousand feet of any building within which is located another adult establishment.
  - B. One thousand feet of any R-1, R-2, and/or R-3 Residential District.
  - C. One thousand feet of any existing residential dwelling or residential property.
  - D. One thousand feet of the lot line of any lot upon which is located a school, houses of worship, child-care facility, commercial recreation facility, community facility, library, recreation area, recreation center, public park, or playground, whether such use is as a principal use or as an accessory use.
  - E. One thousand feet of any establishment licensed to serve and/or sell alcoholic beverages.
  - F. One thousand feet of the lot line of any lot upon which is located any medical or dental office establishment or hospital.
4. No display of merchandise outside the building shall be permitted.
5. No pornographic material displays, or words shall be placed in view of persons who are not inside of the establishment. The building will be windowless or have an opaque covering over all windows or doors of any area in which materials are displayed.
6. No adult establishment shall be used for any purpose that violates any federal, state or municipal law.
7. The adult establishment shall not include the sale or display of obscene materials, as defined by state law and as may be interpreted or construed by applicable court decisions.
8. No adult establishment shall be permitted to operate between the hours of 12:00 midnight

and 7:00 a.m.

9. No adult establishment may be changed to a different adult establishment prior to obtaining a special exception for the new adult establishment.
10. All adult establishments shall comply with the requirements of Act 120 of 1996, 68 Pa.C.S.A. § 5501 et seq.
11. For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

#### **SECTION 2503. AGRICULTURAL USES**

1. Roadside stands for the sale of farm, horticultural or hydroponic products on a retail basis is permitted in any district and shall comply with the following:
  - A. The use shall be proposed on an existing and operating farm with a minimum lot size of ten (10) acres or a minimum lot size of five (5) acres and enrolled in the Clean & Green Program.
  - B. At least fifty (50) percent of such products (by volume) shall have been produced on the property on which they are offered for sale, based on all products offered throughout an entire year.
  - C. Sale of such products shall be conducted from a portable stand located behind the street right-of-way line and removed or dismantled at the end of the growing season, or from a permanent building located at least fifty (50) feet from the street right-of-way line.
  - D. The floor area of any portable stand shall not exceed one thousand (1,000) square feet; a permanent building shall not exceed four thousand (4,000) square feet.
  - E. Parking space for at least three (3) vehicles shall be provided behind the street right-of-way line when selling from a portable stand. For sales from a permanent structure, parking shall be provided in accordance with the parking standards outlined in Article XX. Vehicles shall not park on adjacent roads.
  - F. A ten (10) foot perimeter buffer shall be provided along all road frontage of property on which a permanent building has been erected for the sale of such products.
2. A farm related occupation is permitted as a conditional use in the Agricultural, R-1, and R-2 Districts and shall comply with the following:
  - A. The use shall be proposed on an existing and operating farm with a minimum lot size of ten (10) acres or a minimum lot size of five (5) acres and enrolled in the Clean & Green Program.
  - B. A maximum of two (2) farm related occupations are permitted per operating farm property.
  - C. The applicant shall provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users. All activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm, rather than distribution of goods produced on the farm. Some examples of farm related occupations (if suitably sized) include, but are not limited to the following:

- (1) Buggy and harness sales and repair.
  - (2) Farm-related and lawn mowing equipment repair specific to the agriculture community.
  - (3) Horse and mule supplies.
  - (4) Blacksmith and farrier.
  - (5) Cut flowers, herb shop, greenhouse.
  - (6) Vineyard and wine sales.
- D. Small scale activities and services, not directly related to farming operations are permitted provided they meet the criteria outlined in this Section. Some examples of small-scale activities and services include but are not limited to the following:
- (1) Seamstress and tailoring
  - (2) Bake shop.
  - (3) Wood carving, chair caning and wood furniture
- E. The cumulative gross floor area of a structure or structures containing any and all farm related occupations shall not exceed 5,000 square feet of gross floor area and any associated parking, access drives, display areas and storage area shall not comprise an area greater than one (1) acre.
- F. Structural alterations to any existing building shall be minimized to maintain the external appearance of the farm building.
- G. Where practicable, a farm related occupation shall be conducted within an existing farm building. However, any building constructed for use as a farm related occupation shall be located within proximity to existing farm buildings. The location of any building constructed for use as a farm related occupation shall be identified at the time of conditional use approval.
- H. Any new building constructed for use by a farm related occupation shall be designed so that it can be readily converted to agricultural use, or removed, if the farm related occupation is discontinued.
- I. A mobile home shall not be used for a farm related occupation.
- J. No farm related occupation shall result in any additional access points to any public road. Such uses shall not be permitted at any location where safe ingress or egress are not provided.
- K. Access to the farm related occupation shall be provided by way of a stabilized dust free surface.
- L. No part of a farm related occupation shall be located within one hundred (100) feet of any side or rear lot line, nor within two hundred (200) feet of adjacent land residentially zoned.
- M. The applicant shall provide information on the type and number of truck trips to be generated by the farm related occupation.
- N. Any hazardous or flammable material identified in SARA Title III, the Superfund Amendments & Reauthorization Act of 1986 and Title III of the Clean Air Act of 1990, at or above the required reporting threshold, and proposed to be used in the farm related occupation shall be reported to the County Emergency Management Agency. Confirmation of that reporting shall be supplied to the Township.
- O. The person conducting the farm related occupation shall be a resident of the farm.
- P. The number of nonresident persons of the farm employed by the farm related occupation shall be identified.

- Q. The hours of operation shall be identified.
  - R. All farm related occupations shall comply with applicable land development regulations, stormwater management regulations, floodplain regulations and code regulations, if applicable.
  - S. Signs shall be in accordance with Article XVIII.
3. An agritourism enterprise is permitted as a conditional use in the Agricultural, R-1 and R-2 Districts and shall comply with the following:
- A. The use shall be proposed on an existing and operating farm with a minimum lot size of ten (10) acres and the use shall be incidental to the agricultural use of the farm. Agritourism may include such things as wagon rides and tours, pick, plant, cut your own plants, vegetables or fruits, corn mazes, petting zoos limited to farm animals, agricultural related educational and learning experiences, and campfires in accordance with code regulations, etc. Agritourism does not include wedding venues.
  - B. A sketch plan depicting the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, sanitary facilities (if required by PADEP), areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties.
  - C. Vehicle stacking lanes shall be provided at a minimum length of one hundred (100) feet to ensure adequate stacking is available to prevent backup onto adjacent roadways.
  - D. Off-street parking shall be provided to accommodate the intended use.
  - E. Vehicles shall not park on adjacent roads.
  - F. The number of nonresident persons of the farm employed by the farm related occupation shall be identified.
  - G. Hours of operation shall be identified.
  - H. Sale of local products handcrafted on the farm are permitted.
  - I. All prepared foods available for sale shall be prepared in accordance with applicable federal, state, or local regulations.
  - J. Gathering areas, structures, restroom facilities and handicapped accessibility requirements shall comply with Code Compliance regulations.
  - K. Sanitary sewer facilities shall be provided in accordance with PADEP.
  - L. If the applicant proposes municipal endorsement/publicity and/or municipal participation, the applicant shall submit an indemnity agreement in favor of the municipality and include the municipality as an additional insured on its public liability insurance policy.
  - M. Signs shall be in accordance with Article XVIII.
4. An anaerobic or manure digester is permitted as an accessory to an agricultural use subject to special exception approval and shall comply with the following:
- A. The use shall be proposed on an existing and operating farm with a minimum lot size of ten (10) acres.
  - B. Anaerobic or manure digesters shall be permitted as an accessory use to agricultural uses when livestock and poultry manure generated on site is used to generate and supply electrical or thermal power exclusively for on-site use by the agricultural use, except that when such agricultural use or farm is connected to a public utility, net metering shall be permitted in accordance with state law.

- C. All equipment associated with the digester shall be setback a minimum of one hundred (100) feet from all property lines and two hundred (200) feet from existing dwellings on adjacent property.
  - D. All equipment and processing shall take place within an enclosed structure.
  - E. There shall be no outdoor storage of biomass materials or other materials or equipment.
  - F. The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties, which shall include odor, prevailing wind patterns, proximity to nonagricultural properties, operational noise, and specific hours of operation.
  - G. All systems shall be designed and constructed in compliance with the PADEP and all applicable local, state and federal codes and regulations. Copies of all such approvals shall be submitted prior to issuance of the certificate of occupancy.
  - H. The applicant shall provide either a letter from the Lancaster County Conservation District stating that the proposed anaerobic or manure digester has been reviewed and approved for compliance with the regulations, and requirements of the State Manure Management Program; or a letter from the Lancaster County Conservation District stating that no review is required under applicable ordinances or that it will not review the proposal.
5. An outdoor hydronic heater is permitted as an accessory use in the Agricultural and R-1 Districts and shall comply with the following:
- A. The minimum lot size for an outdoor hydronic heater shall be ten (10) acres in the Agricultural District and shall be three (3) acres in the R-1 District.
  - B. Fuel sources:
    - (1) Permitted fuel sources are those specified by PADEP. Under no circumstance shall trash be used as a fuel source.
    - (2) Combustion of the following fuel substances is expressly prohibited: industrial waste, rubber, plastics, used motor oil, toxic chemicals, contaminated waste, yard waste, household garbage, cardboard and wastepaper, animal waste and any material prohibited for combustion by federal or state statute.
  - C. An outdoor hydronic heater shall meet all current applicable EPA and PADEP regulations. Such heater shall maintain the hang tag, demonstrating compliance on the boiler unit at all times. Manufacturer specifications shall be submitted as part of the application.
  - D. An outdoor hydronic heater shall be setback a minimum of fifty (50) feet from any property line, and no heater shall be located between the principal building and any street right-of-way line.
  - E. All outdoor hydronic heaters shall have an attached stack with a minimum height of ten (10) feet that also extends at least two feet above the highest peak of any residence located less than one hundred fifty (150) feet from the outdoor hydronic heater.
  - F. In the event that an outdoor hydronic heater is damaged, abandoned, or physically decayed to the point of becoming noncompliant with this section, the boiler shall be removed and/or replaced with a new unit within sixty (60) days of the date that notice is received from the Township. In the event of replacement, all provisions of this

section in effect at the time of replacement shall be complied with.

6. Riding Schools, Stables and Large Animal Veterinary Facilities are permitted in the Agricultural and R-1 District by conditional use and shall comply with the following:
  - A. The use shall be proposed on an existing and operating farm with a minimum lot size of ten (10) acres.
  - B. The entire perimeter of any grazing area must be enclosed in a well-maintained fence compliant with Section 2101.
  - C. No riding ring or exercise pen, jumping area, or show area shall be located within one hundred (100) feet of a property line or street right-of-way or three hundred (300) feet from a residential zoning district boundary.
  - D. The applicant shall provide sufficient information to demonstrate how any areas used for riding and pasturing will be maintained with a stabilized vegetative cover.
  - E. The location of manure storage shall comply with Section 605.2.A.(4) and Section 2101.4 of the Ordinance and shall be stored in accordance with the Clean Streams Law and the practices presented by the PA Manure Management Manual, as amended.
  
7. Aquaculture Enterprises are permitted in the Agricultural District by conditional use and shall comply with the following:
  - A. The use shall be proposed on an existing and operation farm with a minimum lot size of ten (10) acres.
  - B. Unless the regulations or established guidelines of the PADEP, US Army Corp, LCCD, Fish & Boat Commission or other agency having jurisdiction over the operation require a greater setback, all facilities shall be setback as follows:
    - (1) One hundred (100) feet of any sinkhole, area draining into a sinkhole, closed depressions or disappearing streams; fifty (50) feet from any lineaments or fracture traces; or twenty-five (25) feet from surface or identified subsurface pinnacles.
    - (2) Three hundred (300) feet from an existing occupied dwelling.
    - (3) Fifty (50) feet from any property boundary.
    - (4) Five hundred (500) feet from a boundary of any nonagricultural zoning district.
  - C. Operations of aquaculture enterprise.
    - (1) Permitting. Prior to the start of operations of an aquaculture enterprise, the facility shall obtain any necessary permits from PADEP, US Army Corp, LCCD, Fish & Boat Commission or other permitting agency. A copy of any permits must be given to the Township thirty (30) days prior to the commencement. Any changes to the permit must be supplied to the Township within thirty (30) days after such a change is made.
    - (2) The owner of the property must comply with all federal and state regulations, including all permit conditions, applicable to the operation of the aquaculture

- enterprise.
- (3) The operator of the aquaculture enterprise shall not permit odors, noise, or other public nuisances greater than those found in normal farming operations. The operator of the facility, prior to the commencement of activities, must present a plan to the Township that describes how the facility will discourage the attraction, harborage or breeding of vectors.
  - (4) Containment of aquatic life may be within the limits of a floodplain provided necessary approvals are approved in accordance with the Manheim Township Floodplain Ordinance.
  - (5) The operator of the aquaculture enterprise shall comply with all the emergency response and notification provisions provided by PADEP regulations or guidelines, or any other federal or state agency having jurisdiction over the operation.
  - (6) Other ordinances. The owner of the property containing an aquaculture enterprise shall comply with all other applicable ordinances and requirements of the Township, including without limitation this Ordinance, the Subdivision and Land Development Ordinance, the Stormwater Management Ordinance, the Floodplain Ordinance, and building codes of the Township, as well as all other ordinances or regulations.
  - (7) Screening. The aquaculture enterprise shall be screened as required by Section 2512. All outside storage, parking or display of products, equipment or supplies shall be screened by a landscape screen or other visual barrier approved by the Township.
  - (8) Signs. All signs for the aquaculture enterprise shall comply with requirements of Article XVIII, Sign Regulations.
  - (9) Off-street parking. The aquaculture enterprise shall provide adequate parking or other spaces so that trucks accessing the facility may pull completely on the lot before loading or unloading materials.
  - (10) Direct sales to residents are prohibited.

**SECTION 2504. BANKS, FINANCIAL INSTITUTIONS AND RESTAURANTS IN THE B-1 BUSINESS DISTRICT**

1. All restaurants and banks and financial institutions shall be accessory to the principal permitted uses within the building and shall be primarily oriented to serving persons within said offices.
2. Both public sewer and public water service are required.
3. All restaurants and banks and financial institutions shall be located within a building in which offices are located. The building within which these uses are located shall be at least two hundred (200) feet from adjacent residential properties.
4. Entrances to these facilities shall be located the maximum distance possible from adjacent residential properties.
5. No more than ten (10) percent of the gross floor area of any one building may be utilized for all restaurants and banks and financial institutions combined.

6. Buildings containing restaurants and banks and financial institutions in combination with offices shall comply with all other minimum lot requirements for offices as delineated within the B-1 Business District.
7. Parking shall be provided for restaurants and banks and financial institutions in addition to what is required and provided for the offices in which these facilities are located. (See Section 2002)
8. No drive-in restaurant or restaurant serving alcohol shall be permitted within the site.

#### **SECTION 2505. BED-AND-BREAKFAST ESTABLISHMENTS**

Within a zoning district in which a bed-and-breakfast establishment is permitted by special exception or by right, the Township may approve such a use, subject to the following requirements:

1. The owner of a bed-and-breakfast establishment shall be the primary occupant of the establishment.
2. The operator of a bed-and-breakfast establishment may be a family member who is not the owner.
3. The owner of a bed-and-breakfast establishment shall keep a register indicating the names of all guests and the length of stay of all such guests.
4. No more than five (5) bed-and-breakfast units shall be permitted in any bed-and-breakfast establishment located in a residential district and no more than eight units in a business district.
5. The minimum lot size shall equal that for a single-family detached dwelling in the underlying district for the first three (3) guest rooms, plus one quarter (1/4) acre for each additional guest room.
6. Breakfast shall be the only meal furnished to those guests currently occupying a bed-and-breakfast unit. In no case shall food be served to persons not staying in a bed-and-breakfast unit.
7. No cooking facilities shall be permitted in any bed-and-breakfast unit.
8. Bed-and-breakfast units shall be rented on a nightly basis for periods not to exceed one (1) week.
9. There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.
10. One (1) sign shall be permitted within the property of a bed-and-breakfast establishment, provided said sign is in full compliance with the sign provisions contained in Article XVIII.
11. In addition to the parking requirements provided for in this ordinance, one (1) off-street

parking space shall be provided for each bed-and-breakfast unit within a bed-and-breakfast establishment.

12. No more than two (2) nonfamily members of the owner of a bed-and-breakfast establishment shall be employed within the establishment.
13. Proper storage area for food storage and garbage disposal shall be provided within a bed-and-breakfast establishment.
14. Where a bed-and-breakfast establishment has more than one (1) bed-and-breakfast unit, the bed-and-breakfast establishment shall have a minimum of two (2) bathrooms for every three (3) bed-and-breakfast units.
15. No bed-and-breakfast establishment shall be located within five hundred (500) feet of another such establishment unless separated by a public street.
16. Where a bed-and-breakfast establishment is located within a residential district, the area and bulk regulations for single-family detached dwellings shall apply. The area and bulk regulations for a bed-and-breakfast establishment in a nonresidential district shall be in accordance with the applicable zoning district.

#### **SECTION 2506. BODY ART ESTABLISHMENTS**

1. No such establishment shall be allowed within one thousand (1,000) feet of another such body art establishment.
2. No such establishment shall be allowed within one hundred (100) feet of a residential district.
3. No such establishment shall be allowed within one hundred (100) feet of an existing school, day care or preschool, park or playground or houses of worship.
4. All body art establishments shall be required to pass an annual inspection conducted by the City of Lancaster Health Division. Application and inspection fees shall be processed through the Manheim Township Planning and Zoning Department.

#### **SECTION 2507. BUSINESS USES**

All business uses shall comply with the following requirements:

1. Highway access (driveway locations):
  - A. Distance from intersection of right-of-way lines:
    - (1) Entrance onto an arterial road or a major collector road: One hundred (100) feet.
    - (2) Entrance onto other road classifications: Fifty (50) feet.
  - B. Distance between driveways located on the same lot, measured from driveway edges:
    - (1) Entrance onto an arterial road or a major collector road: One hundred (100) feet.
    - (2) Entrance onto other road classifications: Fifty (50) feet.
  - C. Distance from side property lines: Ten (10) feet except where shared access is

provided between two (2) lots and access rights and responsibilities are defined by an access agreement.

2. Business activity shall not be conducted outside a building, except where expressly specified. In those instances when merchandise is displayed on the exterior of the building, the merchandise shall not be permitted to be located in the required perimeter buffer.
3. Light emanating from any source on the property shall not be greater than two (2) footcandles measured at a three (3) foot height at the property line except where the adjacent properties are developed as an office park, industrial park or shopping center. Energy-efficient lights shall be utilized such as low- and high-pressure sodium and metal halide.
4. Waste material shall not be stored on the lot outside of a building except in a container that is in compliance with all rules and regulations of the Lancaster County Solid Waste Management Authority and the PADEP. Any such containers for garbage or recycling shall be located to the rear or side of the lot, screened from view. One central collection area shall be provided for all users in each building.
5. Screening and landscaping shall be in accordance with Section 2512 and Section 2513.
6. Loading facilities shall not be permitted in the area between the building setback line and the street line.
7. Operations shall not be permitted which constitute a danger or nuisance to the community.
8. Any mechanical equipment which is not enclosed within a building shall be fully and completely screened from view in a manner compatible with the architectural and landscaping style of the overall property.

#### **SECTION 2508. DAY-CARE CENTERS, COMMERCIAL**

1. Both public sewer and public water service are required.
2. Location of day-care centers.
  - A. A day-care center may be located either within an office building or within any other building permitted within each zoning district, or it may be located on a separate lot.
  - B. The day-care center shall be located in a manner that reduces or eliminates potential hazards to the children being cared for at the facility. It shall be the responsibility of the landowner to show, to the satisfaction of the Zoning Hearing Board, full compliance with this provision.
3. Buildings containing day-care centers, whether in combination with offices or on separate lots, shall comply with all minimum lot requirements for offices as delineated within the applicable zoning district.
4. Adequate parking shall be provided for both the day-care centers and all offices when located on the same lot. The circulation pattern of the parking area shall be designed to provide a safe and convenient pedestrian access from all parking spaces to the entrance of the facility, with the crossing of traffic lanes minimized to the greatest extent feasible.

5. Any outside play area associated with a day-care center shall be properly and completely fenced, in accordance with Section 2108 of this ordinance.

**SECTION 2509. GROUP HOMES**

1. A group home shall only be located within a single-family detached dwelling and shall comply with the area and bulk regulations for a single-family detached dwelling within the applicable zoning district.
2. The purpose of a group home shall be to provide an opportunity for disabled individuals to return to or remain in their communities in order to develop their maximum potential as citizens.
3. A group home shall comply with the Pennsylvania Department of Labor and Industry Rules and Regulations, the Pennsylvania Department of Public Welfare Rules and Regulations, and the Manheim Township Building and Fire Codes.
4. All group homes shall be licensed by either the county government or the Commonwealth of Pennsylvania and shall be in compliance with all applicable rules and regulations of those bodies.

**SECTION 2510. HORTICULTURAL/HYDROPONIC USES REFER TO SECTION 2503**

**SECTION 2511. INDUSTRIAL USES**

1. Highway access (driveway locations):
  - A. Distance from intersection of right-of way-lines:
    - (1) Entrance onto an arterial road or a major collector road: One hundred (100) feet.
    - (2) Entrance onto other road classifications: Fifty (50) feet.
  - B. Distance between driveways located on the same lot, measured from driveway edges:
    - (1) Entrance onto an arterial road or a major collector road: One hundred (100) feet.
    - (2) Entrance onto other road classifications: Fifty (50) feet.
  - C. Distance from side property lines: Twenty (20) feet except where shared access is provided between two (2) lots and access rights and responsibilities are defined by an access agreement.
2. Screening and landscaping shall be in accordance with Section 2512 and Section 2513.
3. Light emanating from any source on the property shall not be greater than two (2) footcandles measured at a three (3) foot height at the property line. Energy-efficient lights shall be utilized such as low and high-pressure sodium and metal halide.
4. No industrial use, including lighting, shall carry on operations that would produce heat or glare beyond the property line of the lot on which the industrial operation is located.
5. Waste material shall not be stored except in an enclosed building or approved containers

and shall be in conformance with all applicable local, state, and/or federal standards. Any such containers for garbage or recycling shall be located to the side or rear of the principal building. One central collection area shall be provided for all tenants of a single building.

6. Emission of odorous gases or other odorous matter in such quantities as to be offensive at any lot lines shall not be permitted.
7. No industrial use shall emit noxious, toxic, or corrosive fumes or gases.
8. All industrial operations shall be in compliance with all other applicable local, state, and/or federal standards as required by the most recent regulations at these governmental levels.
9. Loading facilities shall not be permitted in the area between the building setback line and the street line.
10. Operations shall not be permitted which constitute a danger or nuisance to the community.

#### **SECTION 2512. LANDSCAPING AND SCREENING**

1. Landscape materials. A minimum of fifty (50) percent of all vegetation required for a site shall consist of native species. Invasive species shall not be permitted.
2. Planting strip.
  - (A) Planting strip required. All nonresidential uses shall be separated from all side and rear property lines and all street right-of-way lines by a planting strip having a minimum width of ten (10) feet measured from the property line, right-of-way line, or easement, except that uses located within the T-6 Urban Transition or D-R Retrofit Overlays may reduce the width of such planting strip in order to meet the required build-to line and sidewalk provisions. Such planting strips shall be located in the perimeter buffer and the required front yard.
    - (1) Said planting strip shall be planted in grass, shrubbery, trees, or other plant material and shall not be paved or otherwise covered by an impervious surface, except that, where located within the D-R Retrofit or T-6 Urban Transition Overlay, brick pavers may be installed along the right-of way line in lieu of vegetation. The installation of pavers or vegetation shall be consistent along an entire block.
    - (3) Said planting strip shall only be broken by approved entrances or exits, including sidewalks, walkways, or nonmotorized paths.
3. Parking lot screen and landscaping.
  - A. Screening along street rights-of-way. All parking lots with more than ten (10) spaces shall be screened from any street right-of-way by a landscape screen to be installed within a ten (10) foot-wide planting strip measured from the right-of-way line.
    - (1) The landscape screen may be composed of a combination of shrubs, trees, fences/walls, earthen berms, or some combination thereof.
      - [a] Shrubs shall have a minimum height of two (2) feet measured from ground level at the time of planting and shall reach a maximum height of forty-

two (42) inches at maturity.

- [b] Trees shall have a minimum height of eight (8) feet above finished ground level and a trunk caliper of at least one and one-half (1 ½) inches at the time of planting.
- [c] Earthen berms shall have a minimum height of one (1) foot. Earthen berms shall not be permitted within the T-6 Urban Transition or D-R Retrofit Overlays.
- [d] Within the D-R Retrofit or T-6 Urban Transition Overlays, a combination of walls and landscaping materials is encouraged. Fencing shall not be permitted, except in combination with masonry piers or walls. Walls shall consist of stone or brick and shall have a maximum height of forty-two (42) inches.

- (2) The plants selected for use in the landscape screen shall be predominantly native species, suited for such plantings, and be arranged in such manner as to provide a continuous visual buffer within two (2) years of planting.
- (3) The Township encourages naturalistic planting designs which enhance the visual effect of the landscape along public streets.
- (4) The landscape screen shall be broken only at points of vehicular or pedestrian access or as specified in Section 2512.2.A.
- (5) In order for the Zoning Officer to determine compliance with the requirements of this section, a plan shall be submitted showing the proposed design of the landscape screen. Said plan shall include a plant schedule and sufficient information as required for the installation of the screen. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.

B. Screening of residential parking lots from adjoining residential uses. All residential parking lots with more than four (4) spaces shall be screened from adjoining residential uses by a landscape screen.

- (1) The landscape screen shall be composed of shrubs that have a minimum height of at least three (3) feet, measured from ground level at the time of planting.
- (2) The plants shall be arranged in such manner as to provide a continuous visual buffer.
- (3) The Zoning Officer may require the submittal of such information necessary to determine compliance with the requirements of this section.
- (4) The Township encourages naturalistic planting designs which enhance the visual effect of the landscape screen.

C. Parking lot interior landscaping. All parking lots with twenty (20) or more spaces shall be provided with interior landscaped areas. The intent of this section is to require landscaping within parking lots; therefore, landscaping screens, planting strips

and landscaping surrounding buildings shall not be considered as interior landscaping.

- (1) The interior landscaping shall be provided within island planters having a minimum area of nine (9) feet by thirty-six (36) feet. All islands shall be curbed except where curb cuts are included as part of stormwater conveyance.
  - (2) The interior parking lot landscaping shall be placed so as to delineate driving lanes, define rows of parking, mitigate stormwater, and generally mitigate the visual impact of parking lots. One standard-sized or larger island shall terminate each parking row. Two trees underplanted with ground cover shall be provided for each standard island at the end of a parking row.
  - (3) One (1) standard island shall be provided per each twenty (20) spaces, or each ten (10) spaces in a single row. A minimum of one (1) tree underplanted with ground cover shall be provided in each interior island.
  - (4) Landscaping shall be composed of a combination of native shrubs and trees.
  - (5) In order for the Zoning Officer to determine compliance with the requirements of this section, a plan shall be submitted showing the proposed design of the interior landscaping. Said plan shall include a plant schedule and sufficient information as required for the installation of the landscaping. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.
  - (6) Any tree or shrub, planted to meet the requirements set forth in Section 2512 and Section 2513.
4. Screening of nonresidential uses. All nonresidential uses shall be screened from adjoining residential uses by a landscape screen to be installed within the required perimeter buffer and planting strip.
- A. The landscape screen along any parking area, loading area, or outdoor storage area shall consist of a double row of evergreen planting material which shall be a minimum of four (4) feet in height measured at ground level at the time of planting, the material shall be planted at a maximum spacing of eight (8) feet, and the two (2) rows shall be staggered to provide the most effective screening. An opaque fence or wall six (6) feet in height with one (1) row of plant material as required herein on the side facing the adjoining property may be substituted for the double row of plant material. Said fence or wall shall not be located within any required perimeter buffer.
  - B. The landscape screen along areas other than parking areas, loading areas, or outdoor storage shall be composed of the following combination of trees and shrubs:
    - (1) Shrubs shall have a minimum height of three (3) feet measured from ground level at the time of planting.
    - (2) Trees shall have a minimum height of six (6) feet above finished ground level and a trunk caliper of one and one-half (1 1/2) inches.
  - C. The plants selected for use in the landscape screen shall consist of fifty (50) percent

- native species, suited for such plantings, and be arranged in such manner as to provide a continuous visual buffer within two (2) years of planting.
- D. In order for the Zoning Officer to determine compliance with the requirements of this section, a plan shall be submitted showing the proposed design of the landscape screen. Said plan shall include a plant schedule and sufficient information as required for the installation of the screen. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.
  - E. Any tree or shrub, planted to meet the requirements set forth in Section 2512 and Section 2513, that dies shall be replaced.
  - F. The Township encourages naturalistic planting designs which enhance the visual effect of the landscape screen.
5. Screening of residential apartment buildings greater than thirty-five (35) feet in height from existing single-family residential uses. All apartment dwelling units exceeding thirty-five (35) feet in height shall be screened from existing adjacent residential uses by a ten (10) foot-wide landscape screen.
- A. The landscape screen shall be composed of a combination of evergreen trees and shrubs.
    - (1) Shrubs shall have a minimum height of three (3) feet measured from ground level at the time of planting.
    - (2) Evergreen trees shall have a minimum height of six (6) feet above finished ground level and a trunk caliper of one and one-half (1 1/2) inches at the time of planting.
  - B. The plants selected for use in the landscape screen shall be predominately native species, suited for such plantings, and be arranged in such manner as to provide a continuous visual buffer so as to block the ground-level views between grade and a height of six (6) feet. The effective visual barrier shall be achieved within two (2) years of planting.
  - C. The Township encourages naturalistic plantings and encourages the preservation of existing plantings if it can provide a continuous visual buffer.
  - D. Any tree or shrub, planted to meet the requirements set forth in Section 2512 and Section 2513, that dies shall be replaced.
  - E. In order for the Zoning Officer to determine compliance with the requirements of this section, a plan shall be submitted showing the proposed design of the landscape screen. Said plan shall include a plant schedule and sufficient information as required for the installation of the screen. The plan shall be sealed by a landscape architect licensed to practice in the Commonwealth of Pennsylvania.

**SECTION 2513. SCREENING OF SPECIFIC USES**

The following uses shall comply with the standards for screening as indicated:

1. Community clubs. All outdoor storage and parking and/or loading areas within one hundred (100) feet of a rear or side property line shall be screened from the adjacent properties by a landscape screen comprised of plant materials, fencing or some combination thereof approved by the Township.
2. Houses of worship. All outdoor storage and parking and/or loading areas within one hundred (100) feet of a rear or side property line shall be screened from the adjacent properties by a landscape screen comprised of plant materials, fencing or some combination thereof approved by the Township.
3. Funeral homes. All outdoor storage and parking and/or loading areas within one hundred (100) feet of a rear or side property line shall be screened from the adjacent properties by a landscape screen comprised of plant materials, fencing or some combination thereof approved by the Township.
4. Golf courses and golf driving ranges. All buildings, outdoor storage, and parking and/or loading areas within one hundred (100) feet of a rear or side property line shall be screened from the adjacent properties by a landscape screen comprised of plant materials, fencing or some combination thereof approved by the Township.
5. Stables and kennels. All outdoor storage and animal facilities and parking and/or loading areas within one hundred (100) feet of a rear or side property line shall be screened from the adjacent properties by a continuous visual buffer approved by the Township.
6. Veterinary offices/hospitals. All outdoor storage and animal facilities and parking and/or loading areas within one hundred (100) feet of a rear or side property line shall be screened from the adjacent properties by a continuous visual buffer approved by the Township.
7. Public utility installations. All buildings and parking and/or loading areas within one hundred (100) feet of a rear or side property line shall be screened from the adjacent properties by a continuous visual buffer approved by the Township.

#### **SECTION 2514. OFFICE PARKS**

1. It is the purpose of this section to provide for the orderly and integrated development of a campus-like professional office park, consisting of a variety of office facilities and uses for local residents as well as the general public.
2. An office park shall be permitted as a conditional use in accordance with general standards as set forth in Section 2810.3 herein and specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
  - A. Conceptual site plan. A conceptual site plan for the entire tract shall be provided and be consistent with the following criteria. Such site plan shall include the following specifications:
    - (1) Tract boundary and adjacent landowners.
    - (2) Location of development within the Township and adjacent municipalities.
    - (3) North point, scale and date.

- (4) Streets on and adjacent to the tract.
- (5) Significant topographical and physical features.
- (6) Potential size and location of proposed structure.
- (7) Identification of generalized land uses.
- (8) Potential lot configuration.
- (9) Proposed landscaping, screening and buffering plan.
- (10) Proposed interior street layout and parking lot configuration.
- (11) Proposed interior circulation plan for vehicular and pedestrian traffic.
- (12) Statement that the proposed use will not have a substantial adverse effect upon congestion of streets and highways or upon traffic levels of service or any hazards arising therefrom. The Township may require the applicant to submit a traffic study prepared by a qualified traffic engineer to satisfy this requirement.

B. Office park criteria.

- (1) Permitted uses:
  - [a] Day-care centers.
  - [b] Banks and similar financial institutions, provided that the building shall be located at least two hundred (200) feet from adjacent residential properties.
  - [c] Commercial recreational facilities, provided that the building containing such facility shall be at least two hundred (200) feet from adjacent residential properties.
  - [d] Educational institutions.
  - [e] Offices, medical and dental.
  - [f] Offices, Professional.
  - [g] Parking garages and parking lots accessory to other permitted uses.
  - [h] Public parks and recreation areas.
  - [i] Public utility installations.
  - [j] Restaurants, excluding drive-in/drive-through restaurants, as defined herein, provided that the building containing such facility shall be at least two hundred (200) feet from adjacent residential properties.
  - [k] Retail sales and retail services, provided that such retail uses shall be compatible with other permitted uses and shall not include supermarkets, motor vehicle service stations or garages, motor vehicle sales areas or buildings, or adult establishments, and further provided that:

- [i] No single establishment shall exceed five thousand (5,000) square feet in gross floor area; and
    - [ii] Aggregate total of retail sales and retail services shall not exceed fifteen thousand (15,000) square feet or fifteen (15) percent of the office park, whichever is less.
  - [l] Municipal uses.
  - [m] Uses, buildings and structures customarily accessory and incidental to any permitted use, including, but not limited to, recreational areas.
- (2) Maximum building height: (All structures are subject to Section 2208 and Section 2214 of this ordinance.)
- [a] Fifty (50) feet, provided that if the lot is adjacent to a residential district, the minimum yard dimensions along the side contiguous with the residential district shall be increased by two (2) feet for every foot of building height over forty-five (45) feet. This increase shall be in addition to all other minimum yard dimensions set forth in Subsection B.(3).(e) below.
  - [b] Buildings located within one hundred fifty (150) feet of a residential district shall be limited to three (3) stories.
- (3) Minimum requirements.
- [a] Sewer and water. Both public sewer and public water service are required.
  - [b] Access. Proposed tract must abut and have access to a collector or arterial street as identified by the Township.
  - [c] Minimum tract area: ten (10) contiguous acres, not divided by a public right-of-way.
  - [d] Minimum lot area, width and depth: none, except as based upon required minimum yard dimensions, minimum open area, minimum off-street parking requirements, and other applicable standards contained within this ordinance.
  - [e] Minimum yard dimensions (per lot) (all subject to Section 2213 of this ordinance):
    - [i] Front yard: Twenty-five (25) feet.
    - [ii] Side yard, each side: Ten (10) feet, provided that if the lot is adjacent to a residential district, the side yard shall be seventy (75) feet along the side contiguous with the residential district.
      - [a] No minimum side yard shall be required on either side of the common boundary of two or more separate, adjoining lots on which two or more buildings are adjoined side by side if the buildings are connected by passageways, corridors or common

areas; and corridors or common areas are provided by cross easements for the benefit of the owners of all such buildings or structures and their respective employees, clients and/or visitors.

- [b] In order to reduce the continuous appearance of the adjoining buildings or structures, each of the adjoining and connected buildings on the lots, not subject to the specified minimum side yard dimensions, shall have a visual break in the building facade at minimum distances of every sixty (60) feet. Such visual breaks may consist of projections from the building, angles of deflection of the building's center line, or variations in the color or texture of the facade.
- [iii] Rear yard: Twenty-five (25) feet, provided that if the lot is adjacent to a residential district, the rear yard shall be seventy-five (75) feet along the side contiguous with the residential district.
  - [a] No minimum rear yard shall be required on the common boundary of two or more separate, adjoining lots on which two or more buildings are adjoined to the rear if the buildings are connected by passageways, corridors, or common areas; and the use of such passageways, corridors or common areas is provided by cross easements for the benefit of the owners of all such buildings or structures and their respective employees, clients and/or visitors.
- [iv] Interior yards: open space between separate principal buildings on the same lot.
  - [a] When front to front, rear to rear, or front to rear, parallel buildings shall have fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distance may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
  - [b] An interior yard of fifty (50) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty-five (25) feet.
  - [c] An interior yard of fifty (50) feet is required between end walls and front or rear faces of buildings.
- [v] Perimeter buffer, all sides: Ten (10) feet, provided that should off-street parking areas be shared between lot occupants, and cross lot lines, no perimeter buffer shall be required at such contiguous lot lines. If the lot is adjacent to a residential district, the perimeter

buffer shall be forty (40) feet along the side contiguous with the residential district.

- [f] Buffering/screening/landscaping/lighting. At a minimum, all buffering, screening, landscaping and lighting shall be provided in accordance with Section 2507.3, Section 2507.8, Section 2512 and Section 2513 herein.
- [g] Minimum open area: Thirty-five (35) percent of total office park development, of which up to fifty (50) percent of provided open space can be located in stormwater and drainage easements.
- [h] Off-street parking. Off-street parking shall be provided in accordance with Article XX herein.
- [i] Other requirements. Office parks shall comply with provisions contained within Section 2507 herein.

#### **SECTION 2515. ACCESSORY DWELLING UNITS**

1. It is the purpose of this section to provide the opportunity to encourage and to accommodate extended family living, without substantially altering existing neighborhood character.
2. Accessory dwelling units shall be permitted as a use by special exception in accordance with the general standards as set forth in Section 2805.2 herein and specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
  - A. The installation of an accessory dwelling unit in new and existing single-family dwellings (hereinafter "principal dwellings") shall be subject to the following development, design and owner-occupancy standards:
    - (1) All provisions of the zoning district shall apply, except the provisions regarding the number of dwelling units permitted on a lot.
    - (2) The design and construction of an accessory dwelling unit shall conform to all applicable standards in Manheim Township's building, plumbing, electrical, fire and any other applicable codes.
    - (3) An accessory dwelling unit shall be contained in, or attached to, the principal dwelling or be located above a detached garage.
    - (4) An accessory dwelling unit may be constructed in either an existing or a new single-family dwelling.
    - (5) The addition of an accessory dwelling unit to the principal dwelling shall be designed so that the appearance of the building remains that of a single-family dwelling.
    - (6) The maximum size of an accessory dwelling unit shall not exceed forty (40) percent of the principal dwelling total floor area, nor more than one thousand (1,000) square feet, nor have more than two (2) bedrooms.

- (7) The property owner must occupy either the principal dwelling or the accessory dwelling unit as their permanent residence.
- (8) Occupancy of an accessory dwelling unit, or principal dwelling, shall be limited to the property owner or those related by blood or marriage or adoption to the property owner.
- (9) Accessory dwelling units shall not be located in basements.
- (10) Only one (1) accessory dwelling unit shall be permitted per principal dwelling.
- (11) One (1) additional off-street parking space shall be provided for the accessory dwelling unit.
- (12) The principal dwelling and accessory dwelling unit must be served by public sewer and public water service.
- (13) Accessory dwelling units are permitted to be located on lots that are ninety (90) percent or more of the zoning district's required minimum lot size.
- (14) Restoration plan. A plan for the removal of the accessory dwelling unit that identifies those structures, exterior and interior walls, electrical and plumbing improvements and connections to public water and sewer services to be retained and those to be removed upon termination of the accessory dwelling unit shall be submitted with the application for an accessory dwelling unit permit. In particular, it shall include a removal plan for the stove.

B. Accessory dwelling unit permits.

- (1) In the event an application is approved, then an accessory dwelling unit permit shall be issued to the applicant. The accessory dwelling unit permit shall be deemed to be automatically revoked upon vacation of the accessory dwelling unit, or principal dwelling unit, by the property owner or those related by blood or marriage or adoption to the property owner.
- (2) Any property owner with an existing accessory dwelling unit at the time of the passage of this ordinance shall have a period of ninety (90) days from said date to apply for an accessory dwelling unit permit, subject to the following:
  - [a] The applicant must provide adequate proof that he or she had an accessory dwelling unit prior to the date this ordinance was adopted; and
  - [b] The applicant must provide adequate proof that a certificate of use and occupancy has been issued for the area utilized as an accessory dwelling unit.
- (3) An accessory dwelling unit permit shall expire December 31 of each year and, once granted, may be renewed without additional hearings, subject to the provisions of this section, by completing the renewal form prescribed by the Zoning Officer and paying the annual permit fee adopted by the Board of Commissioners. Failure to apply for renewal and/or failure to pay for the annual permit shall be grounds for revocation of a permit.

- (4) The Zoning Officer, or designee, shall have the right, at any time, upon reasonable request, to enter and inspect an accessory dwelling unit for which an accessory dwelling unit permit has been issued.
- (5) The permit holder shall notify the Zoning Officer in writing within ninety (90) days once the accessory dwelling unit is no longer needed, the property is sold or for some other reason the applicant no longer meets the requirements for such use. Upon notification, the accessory dwelling unit permit shall be terminated. The applicant shall then comply with the terms of the restoration plan within ninety (90) days of the date of termination.

## **SECTION 2516. TELECOMMUNICATIONS FACILITIES**

1. Purpose. It is the purpose of this section to balance the interests of the residents of the Township, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the Township so as to protect the health, safety and integrity of residential neighborhoods through appropriate zoning and land use controls and to provide a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services. To that end, this section shall:
  - A. Provide for appropriate locations and development of telecommunications facilities in the Township.
  - B. Protect the Township's developed and natural environment by promoting compatible design standards for telecommunications facilities.
  - C. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques.
  - D. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting to telecommunications tower structures and antennas.
  - E. Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the Township.
  - F. Encourage and promote the location of new telecommunications facilities in areas that are not zoned for residential use.
  - G. To allow for, and regulate, telecommunications facilities in accordance with the Federal Telecommunications Act of 1996.
2. Exclusions. The following shall be exempt from this ordinance:
  - A. Any tower and antenna less than eighty (85) feet in total height that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
  - B. Any device designed for over-the-air reception of television broadcast signals,

multichannel multipoint distribution service or direct broadcast satellite service.

- C. Any telecommunications facilities located on property owned, leased or otherwise controlled by the Township, provided a license or lease authorizing the telecommunications facility has been approved by the Township.
3. Preferred location sites.
- A. Co-location sites. Any existing telecommunications tower currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be a preferred location site, regardless of the underlying zoning designation of the site; provided, however, that locations which meet this criteria shall be subject to the design and siting components of this ordinance.
  - B. Publicly used structures. Publicly used structures are preferred location sites throughout the Township because they appear in virtually all neighborhoods, are dispersed throughout the Township, and, due to their institutional or infrastructure uses, are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore, telecommunications facilities should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly used structures include, but are not limited to, facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, bridges, flagpoles, schools, hospitals, clock or bell towers, light poles and houses of worship.
  - C. Industrial and commercial structures. Wholly industrial and commercial structures, such as warehouses, factories, retail outlets, supermarkets, banks, motor vehicle service stations, and approved accessory buildings, shall be preferred location sites, particularly where existing visual obstructions or clutter on the roof or along a roofline can and will be removed as part of the installation of the telecommunications facility.
4. General standards.
- A. Permitted telecommunications facilities.
    - (1) Telecommunications tower requirements. Table 1 indicates, for each zoning district, which type of telecommunications towers are permitted and whether the tower is a use permitted and whether the tower is a use permitted by right, special exception or condition. An "N" indicates that a telecommunications tower is not permitted in that specific zoning district.
    - (2) Permitted number of carriers and height requirements. Table 2 indicates the maximum permitted height of telecommunications towers in each zoning district in relation to the number of users located on each tower.
  - B. There shall be no more than two (2) towers located on any one (1) parcel of property.
  - C. Radial spacing. Antenna towers eighty-five (85) feet or taller shall be located at least 2,640 feet from other antenna towers of eighty-five (85) feet or taller.

D. Compliance with other provisions.

- (1) All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, then the owners of the telecommunications facilities governed by this ordinance shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
- (2) All proposed telecommunications facilities must complete the United States Department of Transportation Federal Aviation Administration Form 7460-1 (1-93) or its equivalent. A copy of the approved application shall be submitted to the Township as part of the required information for application for permit.
- (3) Owners of telecommunication facilities shall provide documentation showing that each telecommunications facility is in compliance with all applicable federal and state requirements. Evidence of compliance must be submitted every 12 months.

E. A report from a qualified engineer, licensed in the Commonwealth of Pennsylvania, shall be submitted for review in addition to all information required for a Manheim Township Zoning Hearing Board application, conditional use applications, or application for permit, documenting the following:

- (1) Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
- (2) Evidence of structural integrity of the tower structure.
- (3) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris.
- (4) A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity.
- (5) Information demonstrating that the proposed facility would provide the needed coverage or capacity.
- (6) Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network; a description of the distance between the telecommunications facility sites; a description of how this service area fits into and is necessary for the service network.
- (7) The applicant shall quantify any additional tower capacity anticipated, including the approximate number and types of antennas. The applicant shall provide a drawing for each tower showing existing and proposed antenna locations. The applicant shall also describe any limitations on the ability of the tower to

accommodate other users, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated.

- F. A statement indicating whether or not the site is a preferred location site must be submitted. If the site is not a preferred location site, the following information must be provided:
    - (1) A list of publicly used buildings, co-location sites or other preferred location sites located within the geographic service area. Provide a list (by address with lot and block number noted) and a map at 1:200 scale of all such buildings or sites within the service area.
    - (2) A description of the good faith efforts and measures that were taken to secure each of these preferred location sites.
    - (3) An explanation as to why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful.
    - (4) An explanation of how and why the proposed site is essential to meet service demands for the geographic service area and Township-wide network.
  - G. If the proposed site is zoned A Agricultural, R-1 Residential District, R-2 Residential District or R-3 Residential District, and there are alternative sites in the business and/or industrial zoning districts of the Township, applicants must justify why those alternate sites have not been proposed.
  - H. Applicants must identify all existing towers and all towers for which there are applications currently on file with the Zoning Officer for existing and proposed telecommunications facilities. Applicants must provide evidence of the lack of space on all suitable existing towers to co-locate the proposed antenna. If co-location on any such towers would result in less visual impact than the visual impact of the proposed tower, the applicant must justify why such co-location is not being proposed.
  - I. In all zoning districts, applicants must demonstrate that they cannot provide personal wireless communication service without the use of the proposed telecommunications tower.
5. Design standards.
- A. Security. All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the telecommunications facility. Telecommunication towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device designed to prevent tower access.
  - B. Lighting. Antenna towers shall not be artificially lighted unless required by the FAA or other state or federal agency. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights. Security lighting on the site may be

- mounted up to twenty (20) feet high and shall be directed towards the ground to reduce light pollution, prevent off-site light spillage, and avoid illuminating the tower. When incorporated into the approved design of the facility, light fixtures used to illuminate sports fields, parking lots, or similar areas may be included in the facility.
- C. Visual impact. Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
  - D. All telecommunications facilities shall provide one off-street parking space and mud-free access to the site. The access drive and parking area must be covered with an all-weather material such as stone, asphalt, concrete or cement.
  - E. Any equipment shelter or cabinet that supports telecommunications facilities shall be screened from public view or made compatible with the architecture of the surrounding structures or placed underground so as to be visually unobtrusive. Equipment shelters or cabinets shall be screened from public view by using landscaping or shall be made of materials and painted colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained. The shelter or cabinet shall comply with the requirements of Article XXI, Accessory Uses.
  - F. Landscaping.
    - (1) Native vegetation on the site shall be preserved to the greatest possible extent. Disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that loss.
    - (2) Landscaping shall be used to effectively screen the view of the shelter or cabinet or other ground-level equipment from adjacent public ways, public property and residential property. The applicant shall provide a detailed site plan showing the proposed landscape screening.
  - G. Minimum lot area. The lot on which the telecommunications facility is to be located on must meet all minimum lot area requirements for uses permitted by right in the underlying zoning district in which the facility is proposed.
  - H. Setbacks. Telecommunications facilities shall be setback a distance equal to the height of the tower from all property lines. Towers, guy wires and accessory facilities shall meet the minimum zoning district setback requirements.
  - I. No advertising is permitted on telecommunications facilities.
  - J. Antennas attached to existing structures.
    - (1) For antennas attached to the roof or to a support structure on a rooftop, a 1:1 setback ratio (example: ten (10) foot-high antenna and supporting structure requires a ten (10) foot setback from edge of roof or structures) shall be maintained, unless an alternative placement is shown to reduce visual impact.

- (2) Telecommunications facilities may exceed the height limitation specified for the zoning district in which the existing structure is located; however, no antenna shall extend a distance greater than ten (10) feet above the roofline, parapet or top of the structure, whichever is of the lowest elevation.
- (3) If an antenna is installed on a structure other than a tower, the antenna and associated 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) Roof-mounted antennas shall be made visually unobtrusive by screening to match existing air-conditioning units, stairs, elevator towers or other background.
- (5) Where feasible, telecommunications facilities should be placed directly above or incorporated with vertical design elements of a building to help in camouflaging.

6. Co-location.

- A. The applicant and owner shall allow other future personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennas, equipment and facilities on a telecommunications facility, unless specific technical constraints prohibit said co-location. The applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure.
- B. Competitive conflict shall not be considered an adequate reason to preclude co-location.
- C. Addition of equipment for co-location of additional users on existing antenna towers and sites is not subject to the special exception or conditional use process, if the tower height remains unchanged.

7. Removal of antennas and towers.

- A. All telecommunications facilities shall be maintained in compliance with Township standards contained in the applicable building and technical codes so as to ensure the structural integrity of such facilities. If, upon inspection by the Zoning Officer or any code official, any such telecommunications facility is determined not to comply with the code standards or to constitute a danger to persons or property, then notice of such lack of compliance shall be provided to the owner of the facility and, if the owner of the property is different from the owner of the facility, to the owner of the property. Such owner shall then have thirty (30) days to bring the facility into compliance or to remove such facility.
- B. Failure to bring such telecommunications facility into compliance or to have it removed within thirty (30) days of receipt of such notice shall constitute a violation of this ordinance and of all other applicable Township codes and regulations adopted

pursuant thereto and of the First Class Township Code and the Pennsylvania Municipalities Planning Code.

8. Abandoned towers.

- A. The owner of a telecommunications facility and the owner of the property where the facility is located shall remove any abandoned telecommunications facility within thirty (30) days of abandonment. Any telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. If the telecommunications facility is not removed within thirty (30) days of abandonment, the Township may notify the property owner and the owner of the telecommunications facility to remove the telecommunications facility within thirty (30) days of receipt of such notice. Failure to remove the telecommunications facility pursuant to such notice shall constitute a violation of this ordinance and all other applicable Township ordinances and regulations issued pursuant thereto and of the First Class Township Code and the Pennsylvania Municipalities Planning Code.
- B. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this ordinance as if such tower or antenna was a new tower or antenna.

## Township of Manheim

### Requirements for Telecommunications Facilities

**Table 1: Permitted Telecommunications Facilities**

**LEGEND:**

Zoning districts – The abbreviation in the column headings represent the zoning districts of Manheim Township as follows:

- A – Agriculture
- R-1 – Residential District
- R-2 – Residential District
- R-3 – Residential District
- IN – Institutional District
- B-1 – Business District
- B-2 – Business District
- B-3 – Business District
- B-4 – Business District
- I-1 – Industrial District
- I-2 – Industrial District
- I-3 – Industrial District

Other – The other abbreviations within the table are as follows:

- R – Facility is a use permitted by right.
- SE – Facility is a use permitted by special exception.
- C – Facility is a use permitted by condition.
- N – Facility is not permitted
- NA – Application is not applicable.

| Kind of Facility                   | Zoning Districts |     |     |     |    |     |     |     |     |     |     |     |
|------------------------------------|------------------|-----|-----|-----|----|-----|-----|-----|-----|-----|-----|-----|
|                                    | A                | R-1 | R-2 | R-3 | IN | B-1 | B-2 | B-3 | B-4 | I-1 | I-2 | I-3 |
| Telecommunications tower           | SE               | N   | N   | N   | R  | SE  | SE  | R   | R   | R   | R   | R   |
| Telecommunications tower, attached | R                | C   | C   | C   | R  | R   | R   | R   | R   | R   | R   | R   |

**Table 2: Permitted Telecommunications Facility Requirements**

**LEGEND:**

Zoning districts – The abbreviation in the column headings represent the zoning districts of Manheim Township as follows:

- A – Agriculture
- R-1 – Residential District
- R-2 – Residential District
- R-3 – Residential District
- IN – Institutional District
- B-1 – Business District
- B-2 – Business District
- B-3 – Business District
- B-4 – Business District
- I-1 – Industrial District
- I-2 – Industrial District
- I-3 – Industrial District

Other – The other abbreviations within the table are as follows:  
 NA – application is not applicable.

|                                       | <b>Zoning District</b> |            |            |            |           |            |            |            |            |            |            |            |
|---------------------------------------|------------------------|------------|------------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|
|                                       | <b>A</b>               | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>IN</b> | <b>B-1</b> | <b>B-2</b> | <b>B-3</b> | <b>B-4</b> | <b>I-1</b> | <b>I-2</b> | <b>I-3</b> |
| <b>Telecommunications Tower</b>       |                        |            |            |            |           |            |            |            |            |            |            |            |
| Maximum height:<br>one user (feet)    | 85                     | NS         | NA         | NA         | 85        | 85         | 85         | 85         | 85         | 105        | 105        | 105        |
| Maximum height:<br>two users (feet)   | 85                     | NA         | NA         | NA         | 85        | 105        | 105        | 105        | 105        | 125        | 125        | 125        |
| Maximum height:<br>three users (feet) | 85                     | NA         | NA         | NA         | 85        | 105        | 105        | 105        | 105        | 145        | 145        | 145        |

## **SECTION 2517. TEMPORARY RETAIL SALES**

Temporary retail sales uses shall comply with the following requirements:

1. There may be five (5) temporary retail sales events per year per lot.
2. Only one (1) temporary retail sales event may take place on a lot at any given time.
3. Temporary retail sales events must obtain a temporary sales permit. The permit will be valid for a maximum of ten (10) consecutive days, whether or not the temporary sales event is held on consecutive days.
4. No more than ten (10) percent of the required parking area for the existing uses on the lot may be used for temporary retail sales.
5. Temporary retail sales areas shall have a maximum sales area of eight hundred (800) square feet, with a maximum width of twenty (20) feet and a maximum depth of forty (40) feet.
6. Temporary retail sales hours of operation will be limited to the hours of operation of the principal use on the lot.
7. Temporary retail sales areas are limited to designated parking areas on the lot.
8. Temporary retail sales shall not disrupt the daily operations of the principal business located on the lot.
9. No temporary retail sales shall be located within any designated clear sight triangle.
10. No temporary retail sales shall adversely impact the health, safety, and welfare of the Township.
11. Any signage shall comply with Article XVIII, Sign Regulations. No signage may be displayed until a temporary retail sales permit is obtained.
12. All temporary retail sales shall comply with the applicable building, fire, and electrical codes of the Township.

## **SECTION 2518. HOLIDAY TREE SALES**

Holiday tree sales uses shall comply with the following requirements:

1. There shall be one (1) holiday tree sales event per year per lot.
2. Only one (1) holiday tree sales event may take place on a lot at any given time.
3. Holiday tree sales events must obtain a temporary sales permit. The permit will be valid between the dates of November 15 and December 26.
4. All holiday trees, temporary structures, signage, and accessories to the holiday tree sale must be removed from the property by December 27.
5. No more than ten (10) percent of the required parking area for the existing uses on the lot may be used for the holiday tree sales area.

6. Holiday tree sales hours of operation will be limited to the hours of operation of the principal use on the lot.
7. Holiday tree sales areas are limited to designated parking areas on the lot.
8. Holiday tree sales shall not disrupt the daily operations of the principal business located on the lot.
9. No holiday tree sales shall be located within any designated clear sight triangle.
10. No holiday tree sales shall adversely impact the health, safety, and welfare of the Township.
11. Any signage shall comply with the provisions of Article XVIII. No signage may be displayed until a temporary retail sales permit is obtained.
12. All holiday tree sales shall comply with applicable building, fire, and electrical codes of the Township.

#### **SECTION 2519. THEATER CHURCHES**

Within the I-1 and I-3 Industrial Districts in which a theater church is permitted by special exception, a theater church shall comply with the following standards and criteria in addition to such other reasonable conditions and safeguards as the Zoning Hearing Board may deem necessary to implement the purposes of the Municipalities Planning Code and this ordinance:

1. The theater church shall be clearly incidental and secondary to the primary use of the property as an existing movie theater.
2. The theater church shall be conducted entirely within the existing movie theater.
3. The theater church shall be limited to a maximum of twenty (20) percent of the floor area of an existing movie theater.
4. The movie theater shall not be used as a theater church for more than fifteen (15) hours per week.
5. Plans identifying the location of the proposed theater church within the movie theater and such other plans and information which establish the means of ingress and egress and compliance with all applicable fire and safety codes for the theater church shall be submitted to and approved by the Township Department of Code Compliance.
6. The hours of operation for the theater church shall not conflict with the normal operating hours and movie schedule of the movie theater.
7. The parking associated with the theater church shall not conflict with or create a shortfall of the parking required for the movie theater.
8. The use of the theater church shall be limited to religious and/or spiritual worship.
9. Any signs for the theater church shall comply with Article XVIII, Signs, of this ordinance.
10. The theater church shall not generate waste projects or materials of a quality or quantity not normally associated with the movie theater.

- 11. The theater church shall not increase water consumption or sewage discharge so that either is more than the amount generated by the movie theater.
- 12. The appearance of the movie theater shall not be altered in a manner which would cause the premises to differ from its principal use and character as a movie theater.

**SECTION 2520. COMMUNITY CLUBS**

Within the I-3 Industrial District in which a community club is permitted in an existing movie theater by special exception, a community club shall comply with the following standards and criteria in addition to such other reasonable conditions and safeguards the Zoning Hearing Board may deem necessary to implement the purposes of the Municipalities Planning Code and this ordinance:

- 1. The community club shall be clearly incidental and secondary to the principal use of the property as an existing movie theater.
- 2. The community club shall be conducted entirely within the movie theater.
- 3. The community club shall be limited to a maximum of twenty (20) percent of the floor area of an existing movie theater.
- 4. The community club shall not be used as a community club for more than fifteen (15) hours per week.
- 5. Plans identifying the location of the proposed community club within the movie theater and such other plans and information which establish the means of ingress and egress and compliance with all applicable fire and safety codes for the community club shall be submitted to and approved by the Township Department of Code Compliance.
- 6. The hours of operation for the community club shall not conflict with the normal operating hours and movie schedule of the movie theater.
- 7. The parking associated with the community club will not conflict with or create a shortfall of the parking required for the movie theater.
- 8. Any signs for the community club shall comply with Article XVIII, Signs, of this ordinance.
- 9. The community club shall not generate waste products or materials of a quality or quantity not normally associated with the movie theater.
- 10. The community club shall not increase water consumption or sewage discharge so that either is more than the amount generated by the movie theater.
- 11. The appearance of the movie theater shall not be altered in a manner which would cause the premises to differ from its principal use and character as a movie theater.

**SECTION 2521. AGRICULTURAL COMPOSTING ACTIVITIES**

All agricultural composting activities shall comply with the following:

- 1. Lot size and setbacks. The following lot size and setbacks shall apply:

- A. Minimum lot size on which any agricultural composting facility may be located shall be at least fifty (50) acres and the composting operation area being limited to five (5) acres. The fifty (50) acres must be contiguous and must be held in common ownership or by entities owned or controlled by predominantly the same persons.
- B. Unless the regulations or established guidelines of the PADEP or other agency having jurisdiction over the operation require a greater setback, all locations where incoming materials and/or finished compost are stored, composted, or otherwise handled or processed shall not be located:
  - (1) Within the one-hundred (100) year floodplain.
  - (2) In or within three hundred (300) feet of an exceptional value wetland.
  - (3) In or within one hundred (100) feet of a wetland other than an exceptional value wetland.
  - (4) Within one hundred (100) feet of any sinkhole, area draining into a sinkhole, closed depressions or disappearing streams; within fifty (50) feet from any lineaments or fracture traces; or within twenty-five (25) feet from surface or identified subsurface pinnacles.
  - (5) Within three hundred (300) feet from an existing occupied dwelling.
  - (6) Within fifty (50) feet of the boundary of any property not owned by the owner of the property containing the agricultural composting facility.
  - (7) Within five hundred (500) feet of a boundary of any nonagricultural zoning district.
  - (8) Within one thousand (1,000) feet of a school or Township Park, playground, houses of worship, child-care facility, community center, community facility, library, recreation area, or recreation center, whether such use is a principal or accessory use.
- 2. Other wastes. Wastes that cannot be composted or are removed from the compost prior to its use as a soil component or similar uses must be stored and disposed of in accordance with the regulations and guidelines of the PADEP or Township code or any other state or federal agency regulations having jurisdiction over the storage or disposal of these other wastes.
- 3. Operations of agricultural composting facility.
  - A. Permitting. Prior to the start of operations of the agricultural composting facility, the facility shall have a general or individual permit from the PADEP. A copy of this permit must be given to the Township thirty (30) days prior to the commencement of composting operations. Any changes to the permit must be supplied to the Township within thirty (30) days after such a change is made.
  - B. The owner of the property must comply with all federal and state regulations, including all permit conditions, applicable to the operation of the agricultural composting facility.

- C. All stormwater that comes into contact with any of the compost or the composting pad shall be contained on the site and may not be discharged into the waters of the commonwealth. The agricultural composting facility must comply with all applicable stormwater management requirements of the Township.
- D. The operator of the agricultural composting facility shall not permit odors, noise, or other public nuisances greater than those found in normal farming operations. The operator of the facility, prior to the commencement of composting activities, must present a plan to the Township that describes how the facility will discourage the attraction, harborage or breeding of vectors.
- E. Storage. Storage of active or finished compost must be in a manner that prevents the dispersal of waste or compost by wind or runoff and minimizes the risk of fire or explosion. Compost may not be stored in a manner that causes groundwater or surface water contamination. The storage of finished compost must be under roof.
- F. The operator of the agricultural composting facility shall comply with all of the emergency response and notification provisions provided by PADEP regulations or guidelines, or any other federal or state agency having jurisdiction over the operation.
- G. Other ordinances. The owner of the property containing the agricultural composting facility shall comply with all other applicable ordinances and requirements of the Township, including without limitation this ordinance, the Subdivision and Land Development Ordinance, the Stormwater Management Ordinance, Chapter 265, Floodplain Management, and building codes of the Township, as well as all other ordinances or regulations.
- H. Recordkeeping. The operator of the agricultural composting facility shall maintain records detailing the source of compost material in the sale or transfer of finished compost from the facility. These records must be kept for five (5) years and shall be made available to the Township upon request.
- I. Employees. The agricultural composting facility may have no more than six (6) employees who are not residents of the farm present at the property at any time. This limit shall exclude employees or contractors necessary for the intermittent construction or repair of structures or other items required by the agricultural composting operation.
- J. Screening. The agricultural composting facility shall be screened as required by Section 2512. All outside storage, parking or display of products, equipment or supplies shall be screened by a landscape screen or other visual barrier approved by the Township.
- K. Signs. All signs for the agricultural composting facility shall comply with requirements of Article XVIII, Sign Regulations.
- L. Off-street parking. The agricultural composting facility shall provide one off-street parking space for each employee present. The agricultural composting facility shall provide adequate parking or other spaces so that trucks accessing the facility may pull completely on the lot before loading or unloading materials.

- M. Direct sales to residents. Direct sales of finished compost to individuals is prohibited. Nothing in this section shall prohibit the delivery of compost from the agricultural composting facility to any property.
4. Traffic.
- A. An agricultural composting facility must have direct access to a collector or arterial street.
  - B. The access drive to the agricultural composting facility must be paved with asphalt, gravel or a similar material. The access drive must be maintained to minimize dust and to prevent or minimize the tracking of mud or materials off site.
  - C. A gate or other barrier must be maintained across the access road to block unauthorized access to the agricultural composting facility.
  - D. The applicant shall provide an analysis of any impacts on traffic caused by the agricultural composting facility. The area of the analysis and the method used to show traffic impacts shall be as approved by the Township. The traffic analysis shall include any proposed improvements to roads within the approved analysis area. The Township may, but shall not be required to, in its reasonable discretion, require the traffic analysis to be performed by a qualified traffic engineer, as may be required on account of the project trip levels caused by the agricultural composting operation or the existing traffic conditions in the analysis area.
  - E. Access drives. The access drive shall be designed in accordance with Township regulations and/or PennDOT standards if it intersects with a state highway. The applicant must demonstrate that the proposed driveway access to the agricultural composting facility is sufficient to accommodate the vehicles that will enter and exit the facility.
5. The owner of the property shall be responsible for any and all violations of this ordinance, as well as violations of state and federal laws and regulations to the extent permitted by those regulations.

#### **SECTION 2522. WIND ENERGY SYSTEMS**

1. Purpose. It is the purpose of this section to promote the safe, effective and efficient use of wind energy and to reduce the on-site consumption of utility supplied energy as an accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Wind energy systems shall be permitted in the agricultural zoning district as an accessory use by conditional use with the general standards as set forth in Section 2810.3 herein and with specific criteria as set forth in this section. This section is intended to accomplish the following:
- A. To provide for appropriate locations and development of wind energy systems in Manheim Township.
  - B. To protect Manheim Township's natural environment by promoting wind energy systems and reducing the use of fossil fuels.

- C. To minimize adverse nuisance and visual impacts of wind energy systems through careful design and siting techniques.
  - D. To avoid potential damage to adjacent properties through engineering and careful siting for wind energy systems.
  - E. To encourage and promote the location of wind energy systems in areas not immediately adjacent or adversely effecting residential uses.
2. Modifications.
- A. The Board of Commissioners may, by conditional use approval, permit the modification of the provisions of this section, including but not limited to provisions related to the number of turbines and associated appurtenances per lot, the height of the system and the minimum yard dimensions in order to encourage the use of wind energy systems. An applicant desiring to obtain conditional use approval shall, when making application for conditional use under this section, also make application for modifications simultaneously. However, granting of a modification shall not have the effect of making null and void the intent and purpose of the article. Any conditional use to permit a modification of the requirements of this section shall be subject to the following standards:
    - (1) The design and improvement shall be in harmony with the purpose and intent of this section.
    - (2) The design and improvement shall not have an adverse impact on the surrounding neighbors.
    - (3) The proposed modification shall not result in any danger to the public health, safety or welfare.
    - (4) The landowner shall demonstrate that the proposed modification will allow equal or better results and represents the minimum modification necessary.
    - (5) The applicant must demonstrate to the satisfaction of the Board of Commissioners that, with respect to each request for a modification, literal compliance with the provisions of this ordinance is unreasonable; causes undue hardship because of unique or unusual conditions pertaining to the subject property but meets the purpose and intent of this ordinance; and is unnecessary because an alternate standard can be demonstrated to provide equal or better results.
  - B. If the Board of Commissioners determines that the landowner has met his burden, it may grant a modification of the requirements of this section. In granting modifications, the Board of Commissioners may impose such conditions as will, in its judgment; secure the objectives and purposes of this section.
3. General standards. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards. The installation and construction of a wind energy system shall be subject to the following development and design standards:
- A. A wind energy system is permitted in the Agricultural District as an accessory use by

conditional use.

- B. A wind energy system shall provide power for the principal use and/or accessory uses of the property on which the wind energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- C. A wind energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
- D. The maximum number of towers in a wind energy system is one per lot.
- E. The maximum wind energy system height is eighty-five (85) feet. The height shall be measured from the ground surface of the wind energy system tower to the highest point of the extended blade tip or the highest point of the wind energy system. The permitted height limits are also subject to applicable Federal Aviation Administration regulations regarding objects affecting navigable airspace. The applicant shall provide acknowledgement from the Federal Aviation Administration or from a representative from the Lancaster Airport Authority authorized to acknowledge such request indicating that the height of the wind energy system does not adversely affect the airspace of the airport.
- F. Setbacks from the wind energy system shall be as follows:
  - (1) Setback from property line. The minimum wind energy system setback distance from the nearest property line shall be a distance equal to or greater than the distance from the wind energy system tower base to the tip of the blade or the highest point of the wind energy system.
  - (2) Setback from residential dwellings.
    - [a] The minimum wind energy system setback distance from any residential dwelling, excluding the dwelling situated on the property where the wind energy system will be located, shall be five hundred (500) feet from the property line and one thousand (1,000) feet from the residential dwelling. The distance shall be measured from the nearest point of the extended tip of the blade or nearest point of the wind energy system to the residential dwelling.
    - [b] Upon written notice and approval from the adjacent property owner, a less restrictive setback may be accepted by the Board of Commissioners. Any such written acknowledgement shall include a protection zone extending and covering the area a distance equal to the height of the wind energy system such that no building may be constructed within this protection zone.
  - (3) The minimum wind energy system setback distance from all aboveground utility lines, radio, television or telecommunication towers shall be a distance equal to or greater than the distance from the wind energy system tower base to the tip of the blade or the nearest point from the wind energy system to the

aboveground utility lines, radio, television or telecommunication towers.

- (4) The minimum distance from guy wires, accessory structure, and other appurtenances of the wind energy system shall be ten (10) feet from the property lines.
  - (5) Wind energy systems shall not be located within the required front yard setback.
- G. The distance between the ground and any part of the rotor or blade system shall be no less than fifteen (15) feet.
  - H. Wind energy systems shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the wind energy system. Such anti-climbing device shall be installed to a minimum height of fifteen (15) feet from the ground or roof if the wind energy system is situated on the roof. Access doors to wind energy systems and electrical equipment shall be locked to prevent entry by nonauthorized persons.
  - I. All power transmission lines from the wind energy system to any building or other structure shall be located underground. There shall be no exposed wiring.
  - J. Wind energy systems shall be a neutral nonobtrusive color such as white, off-white, gray, brown or an earth tone shade unless required by the Federal Aviation Administration or other regulatory agency to be otherwise.
  - K. Audible sound from a wind energy system shall not exceed sixty (60) decibels, as measured at the exterior of any occupied building on the adjacent parcels.
  - L. All wind energy systems shall be designed with an automatic brake to prevent over speeding and excessive pressure on the wind energy system tower structure.
  - M. Wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If the Federal Aviation Administration requires safety lighting, the use of red beacons is preferred to flashing strobe lights. Illumination of the wind energy system shall be avoided.
  - N. Wind energy systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the wind energy system, provided they comply with the prevailing sign regulations.
  - O. Mechanical equipment associated with the use of the wind energy system shall comply with the following:
    - (1) Any mechanical equipment associated with and necessary for the operation of the wind energy system that is not enclosed within the wind energy tower or within an accessory structure on the property shall comply with the following:
      - [a] Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provide a visual

screen. In lieu of a planting screen, a decorative fence meeting the requirements of this ordinance may be used.

[b] Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.

[c] Mechanical equipment shall be set back at least ten (10) feet from the rear and side property lines.

P. A site plan including the following information shall be included:

- (1) Overall site boundary with sufficient information to show the location of the property in proximity to adjacent properties and existing features located within five hundred (500) feet of the subject property boundaries.
- (2) Identification of adjacent property owners.
- (3) Location, dimensions, and types of existing structures on the property and proximity to structures on adjacent lots within five hundred (500) feet of the subject wind energy system.
- (4) Location and dimension of driveways, roadways and significant features within and adjacent to the subject property within five hundred (500) feet of the subject property boundaries.
- (5) Location of the proposed wind energy system, foundations, guy anchors and associated equipment.
- (6) Setback requirements as outlined in this ordinance and proposed setbacks.
- (7) The location of any rights-of-way, easements, floodplains, or other covenants restricting the use of the property.
- (8) The location of any overhead utility lines, radio transmission lines, cable lines or other overhead lines within five hundred (500) feet of the subject property boundaries.
- (9) The location of any telecommunications towers within one thousand (1,000) feet of the subject property.
- (10) Wind energy system specifications, including manufacturer, model, rotor diameter, tower height, and tower type.

Q. A report from a qualified engineer, licensed in the Commonwealth of Pennsylvania, documenting the following shall be submitted for review:

- (1) Description of the wind energy system, including overview, project location, the rated capacity for the on-site user, type and height of facility, including generating capacity, dimensions and respective manufacturers and a description of the ancillary facilities. Description should include technical, engineering, economic, and other pertinent factors governing selection of the proposed design.

- (2) Evidence of structural integrity of each tower structure.
  - (3) Structural failure characteristics of each tower structure and demonstration that the site and setbacks are of adequate size to contain debris.
  - (4) Information demonstrating that the proposed wind energy system is for the sole purpose of generating energy for the user of the property, with the exception of the excess energy that may be generated from time to time and sold to the local utility company.
  - (5) Identification of the nearest wind energy system, telecommunications tower and residential homes.
  - (6) The applicant shall describe the technical options available and reasons why the technical option selected was chosen over the other options.
  - (7) Provide make, model, picture and manufacturer's specifications.
- R. Visual impact: demonstrations, including before and after photo simulations and elevation drawings showing the height, design, color, night lighting and proposed location of the facility as viewed from neighboring areas. The applicant shall demonstrate through project site planning and proposed mitigation that the wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but is not limited to, information regarding site selection, turbine design or appearance, buffering and screening of mechanical equipment.
- (1) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy system.
- S. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this ordinance.
- T. Evidence that the applicant is the owner of the premises involved or that the applicant, if he is a tenant of the property, has written permission of the owner to make such application.
- U. Permitting. A wind energy system shall not be constructed until a building permit has been approved and issued.
- (1) The design of the wind energy system shall conform to applicable industry standards. A building permit shall be obtained for wind energy systems per the Pennsylvania Uniform Construction Code (UCC). All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider (PPL) shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization, and any such design shall be certified by an engineer registered in the Commonwealth of Pennsylvania.
  - (2) The wind energy systems shall comply with all applicable Township ordinances and codes.

- V. Maintenance. All wind energy systems shall be maintained in compliance with Township standards contained in the applicable codes and ordinances so as to ensure the structural integrity of such facilities. If, upon inspection by the Zoning Officer or any code official, any such facility is determined not to comply with the applicable codes and ordinances or to constitute a danger to persons or property, then notice of such lack of compliance shall be provided to the owner of the property. Failure to bring such facility into compliance shall constitute a violation of this ordinance.
  - (1) Before any construction can commence on any wind energy systems, the property owner must acknowledge that he/she is the responsible party for owning and maintaining the wind energy system. If the wind energy system is abandoned or is in a state of disrepair, it shall be the responsibility of the property owner to remove or maintain the wind energy system.
  - (2) Any earth disturbance as a result of the removal of the ground-mounted wind energy system shall be graded and reseeded.

**SECTION 2523. SOLAR ENERGY SYSTEMS**

- 1. Solar energy systems as an accessory use. It is the purpose of this section to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as an accessory use while protecting health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory use, and specific criteria is set forth below:
  - A. A solar energy system is permitted in all zoning districts as an accessory use.
  - B. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
  - C. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
  - D. To the greatest extent feasible, accessory solar energy systems shall be roof-mounted or located on an existing impervious surface. The applicant must demonstrate that roof mounting is infeasible prior to any application for a ground-mounted system.
  - E. A roof-mounted system may be mounted on a principal building or accessory building. A roof-mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
  - F. A roof-mounted system shall be setback from the edge of the building roof in order to establish a clear perimeter area. Access pathways shall also be provided between solar panels if applicable. The clear perimeter area and access pathways shall be reviewed by the Manheim Township Fire Chief and the Township Code Compliance

Department to ensure adequate accessibility for emergency service personnel.

- G. A ground-mounted system shall not exceed ten (10) feet.
  - H. The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage. Of the allowable lot coverage, the surface area of a ground-mounted system shall not constitute more than two (2) percent of the allowable lot coverage or 360 square feet, whichever is less.
  - I. A ground-mounted system or system attached to an accessory building shall not be located within the required front yard setback.
  - J. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
  - K. The number of solar panels and supporting equipment shall be considered as one solar energy system.
  - L. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
    - (1) Mechanical equipment shall be screened from adjacent property. The screen shall consist of shrubbery, trees, or other plant materials which provide a visual screen.
    - (2) Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
    - (3) Mechanical equipment shall be set back at least ten (10) feet from the rear and side property lines.
  - M. Solar panels shall not be placed in the vicinity of the airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.
  - N. All power transmission lines from a ground-mounted solar energy system to any building or other structure shall be located underground.
  - O. Before any construction can commence on any solar energy system, the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system. If the solar energy system is abandoned or is in a state of disrepair, it shall be the responsibility of the property owner to remove or maintain the solar energy system.
  - P. All solar energy systems shall meet the general requirements in Section 2523.2 below.
2. General requirements.
- A. Solar panels shall be located in a manner that will prevent glare toward adjacent properties, occupied structures, and roadways.

- B. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the Pennsylvania Uniform Construction Code (UCC). All wiring shall comply with the applicable version of the National Electric Code (NEC). As applicable, the applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electronics and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), ETL Testing Laboratories, Florida Solar Energy Center (FSEC), or other similar certifying organization.
- C. Where applicable, the local utility provider (i.e. PPL) shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization, and any such design shall be certified by an engineer registered in the Commonwealth of Pennsylvania.
- D. The solar energy system shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such solar energy system.
- E. Decommissioning of solar energy system. The applicant shall sign an agreement stating that when all reasonable uses of the panels are no longer necessary, they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Township Solicitor and shall, at the request of the Township, include a bond for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations, and other associated facilities and equipment.
- F. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system, provided they comply with the prevailing sign regulations.
- G. A solar energy system shall not be constructed until a building permit has been approved and issued.
- H. No signage or advertising shall be permitted on any part of the accessory solar energy system.

**SECTION 2524. GEOTHERMAL ENERGY SYSTEMS**

Geothermal heat pumps are permitted in all zoning districts as an accessory use under the following conditions:

1. Open-loop systems shall not be permitted.
2. The design and installation of geothermal energy systems shall conform to applicable industry standards, including those of the International Ground Source Heat Pump Association (IGSHPA) standards, as amended, and found in Appendix 1 of the PA DEP Ground Source Heat Pump Manual of 2001, or the most current manual.

3. Manufacturer specifications shall be submitted as part of any building or zoning application.
4. All systems shall be set back a minimum of twenty-five (25) feet from any property line or right-of-way line and a minimum of one hundred (100) feet from any potable water supply wells.
5. Circulating fluids used in any closed-loop system shall use only nontoxic, biodegradable fluids such as food-grade propylene glycol.

#### **SECTION 2525. DWELLING UNITS IN COMBINATION WITH OFFICES OR COMMERCIAL USES**

1. No dwelling unit shall be located on a floor below an office or commercial use.
2. Dwelling units shall have a separate entrance from the principal commercial uses.
3. A minimum of one hundred fifty (150) square feet of open space or balcony area shall be provided per unit.
4. Parking spaces for dwelling units shall be provided at a rate of one and one-half (1.5) spaces per unit and clearly demarcated.

#### **SECTION 2526. OUTDOOR DINING**

Restaurant uses shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way, and in courtyards, provided pedestrian circulation or access to store entrances shall not be impaired. The following standards and guidelines are applicable:

1. To allow for pedestrian circulation, a minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables or other encumbrances.
2. Planters, posts with ropes or other removable fencing with a maximum height of forty-two (42) inches shall be used as a way of defining the area occupied by the cafe.
3. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
4. Outdoor cafes shall be required to provide additional decorative outdoor trash receptacles.
5. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
6. Outdoor cafes shall not be entitled to additional signage over and beyond what is permitted for this type of establishment.
7. The operators of outdoor cafes shall be responsible for maintaining a clean, litter-free and well-kept appearance within the area of their activities.

## **SECTION 2527. SIDEWALK DISPLAYS**

Commercial uses shall be permitted to have sidewalk displays of retail merchandise that is regularly sold at their establishments, subject to the following:

1. Sidewalk displays are permitted directly in front of an establishment, subject to the following: a minimum of five (5) feet of clearance is maintained at the storefront entrance, or wider if needed for adequate and uncluttered pedestrian access; the displays are located along the building wall and not more than two (2) feet deep; and the display area does not exceed fifty (50) of the length of the storefront.
2. Displays shall be permitted only during normal business hours, shall consist of merchandise regularly sold by the establishment, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays.
3. Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.

## **SECTION 2528. CLUSTER DEVELOPMENT**

Any development approved and constructed under the cluster development provisions of the prior Ordinance shall continue to be governed by those provisions. Such development may be permitted to expand, so long as such expansion is in accordance with the prior cluster development provisions.

## **SECTION 2529. SOLID WASTE MANAGEMENT SERVICES AND FACILITIES**

Solid Waste Management Services and Facilities shall comply with the following requirements:

1. Operations of a solid waste management facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the Pennsylvania Department of Environmental Protection and the provisions of this ordinance. In the event that any of the provisions of this Ordinance are less restrictive than any present or future rules or regulations of the Pennsylvania Department of Environmental Protection, the more restrictive regulations shall supersede and control.
2. Litter control shall be exercised to confine blowing litter to the solid waste management facility site and a working plan for cleanup of litter shall be submitted to the Township.
3. The entire waste transfer process, which includes unloading, compaction and loading onto transfer trucks shall occur inside a building. Unloading of materials shall be continuously supervised by a facility operator.
4. The principal access to the solid waste management facility site shall be from a collector or arterial road, as designated in Appendix I of the Manheim Township Subdivision and Land Development Ordinance and Section 2209 of this ordinance.
5. Access to any outdoor area used for solid waste management services shall be limited to those posted times when an attendant is on duty, provided, however, that this limitation

shall not apply to CNG service stations that operate twenty-four hours per day, seven days per week and are accessed only via electronic means. In order to protect against indiscriminate and unauthorized dumping, any outdoor area used for solid waste management services shall be protected by locked barricades, fences, gates or other means designated to deny access to the area at unauthorized times or locations

6. If a solid waste management facility includes CNG service stations, sufficient stacking lanes shall be provided so that vehicles waiting to refuel do not back up onto public roads.
7. Depending on the route of entry to the solid waste management facility and the adequacy and carrying capacity of the roadways along such route of entry, the Township may require that a traffic study be performed to determine the number of trucks traversing that area of the Township and issues related to safety through populated areas. The Township also may require the posting of a bond for road maintenance for heavily traveled routes associated with the solid waste management service.

### **SECTION 2530. CONVERSION OF LARGE NONRESIDENTIAL BUILDING**

1. Purpose - It is the purpose of this section to provide for the creative redevelopment or reuse of large nonresidential buildings within the R-2 Residential Zoning District by permitting a variety of commercial, restaurant, entertainment, and office uses by special exception. Large nonresidential buildings in this district often house (d) community oriented uses permitted under the Zoning Ordinance. However, due to changes in the community, ownership and the fashion in which community services are provided, there is a risk that these large buildings will become underutilized or unusable if zoning regulations applicable to such buildings in an R-2 Residential Zoning District are applied to their use. This section is intended to provide economically viable uses for such existing buildings in excess of 10,000 square feet of net floor area but no larger than 45,000 square feet of net floor area and within the R-2 Residential Zoning District.
2. Conversion - The conversion of a large nonresidential building shall be permitted within the R-2 Residential District by special exception in accordance with the standards set forth below.
3. Uses Permitted by Special Exception - Subject to the requirements set forth in Subsection 2530.4, one or more of the following uses may be established with a Conversion of a Large Nonresidential Building:
  - A. For lots with primary vehicular access to and from any road defined as a collector roadway as specified in Appendix I of the Manheim Township Subdivision and Land Development Ordinance:
    - (1) Professional Offices.
    - (2) Medical and/or dental offices.
  - B. For Lots with primary vehicular access to and from an arterial road, limited access highway or major collector road as identified in Section 2209 of this ordinance:

- (1) Professional Offices.
  - (2) Medical and/or dental offices.
  - (3) Conference/Event Centers including separate restaurant, café and/or commercial recreation facility component(s) that is (are) secondary to the Conference/Event Center.
  - (4) Veterinary Offices.
4. Specific Conditions.
- A. Professional Offices, Medical/Dental Offices and Veterinary Offices: Hours of operation shall be permitted between the hours of 7:00 am and 10:00 pm.
  - B. Conference/Event Center.
    - (1) Outdoor events shall not be held before 7:00 am or after 10.00 pm.
    - (2) Alcohol sales and service shall be permitted pursuant to applicable laws and as an accessory use to the Conference/Event Center.
    - (3) Restaurants and Cafes as a separate secondary use to the Conference/Event Center shall be permitted, subject to the following restrictions:
      - [a] Drive through or Drive in service shall not be permitted.
      - [b] Seating area for restaurant shall not exceed 5,000 square feet.
      - [c] Outdoor dining shall comply with Section 2526.
      - [d] Restaurant or café shall be permitted to sell/serve alcohol pursuant to applicable laws as an accessory use.
      - [e] Restaurant or café may have hours of operation independent from Conference/Event Center but the restaurant or café may only be open to the public between 7:00 am to 10:00 pm each day.
    - (4) Commercial Recreational Facilities.
      - [a] Outdoor operations shall be restricted to the hours between 7:00 am and 10:00 pm.
      - [b] Outdoor operations shall not interfere with the peaceful enjoyment of neighboring properties
  - C. Off-street parking for any uses shall be in accordance with Article XX. Parking.
  - D. Parking areas and access drives shall be adequately lit and all lighting shall include full cut off fixtures and shall not direct light onto adjacent properties.

- E. Refuse collection areas, if provided, shall be conveniently located for all uses. The collection area shall be properly screened from view from all property lines and the trash receptacles shall be covered.
5. Permissible Expansion of Existing Building and Parking.
- A. Buildings with vehicular access from a collector roadway:
    - (1) No extension or expansion shall be permitted to the existing building, except as may be required for access or safety which includes handicapped accessibility. Extension or expansion to increase building capacity shall not be permissible.
    - (2) Existing open space to the greatest extent possible shall be left in its existing condition or improved so as to be appropriate in size, shape, dimension, location, and character to assure its proper functioning as an amenity for both the site and the surrounding area.
  - B. Buildings with vehicular access from an arterial legislative route: up to 25% increase in the building footprint subject to the requirements set forth in Subsection 806.2.G. and other applicable Township ordinances.
  - C. Parking Lots may be expanded subject to the requirements set forth in the applicable Township ordinances.
6. Signs - Signs shall be governed by Article XVIII of this ordinance, provided applicant shall be permitted to maintain, repair or re-erect the existing signage. Notwithstanding the foregoing sentence, the applicant shall not be required to remove or decrease the square footage of any legally existing sign(s) as the result of a conversion.
7. Access to the Site - There shall be adequate, safe access to the site for pedestrians and vehicles.
8. Utilities - The site shall be served by public sanitary sewer and public water.
9. Sidewalks and Streetscapes.
- A. Sidewalk shall be provided along all street frontages, or alternatively, a connection to or extension of a Township pathway system shall be provided.
  - B. Sidewalks shall be a minimum of five (5) feet in width and shall be designed and constructed in accordance with the Manheim Township Subdivision and Land Development Ordinance.
  - C. Connection to or extension of a Township pathway system shall be designed and constructed in accordance with the Manheim Township Subdivision and Land Development Ordinance.

- D. Handicap ramps and crosswalks shall be provided at all street and access drive crossings.
- E. All pedestrian amenities shall meet ADA guidelines.
- F. Streetscapes shall be provided and/or improved as required by the applicable Appendices of this ordinance.