

ARTICLE XXII. GENERAL REGULATIONS (Amended by Ordinance 2021-04, dated June 28, 2021)

SECTION 2201. UNSAFE DWELLINGS, STRUCTURES OR LAND

1. No dwelling or structure or land shall be used or occupied if such dwelling or structure or land, as determined by the Board of Commissioners or appointed representatives, is in need of structural repairs or is unsafe or unsanitary, if the premises do not have connection with a public sewer system or alternative sanitary sewage facilities approved by the State or Local Board of Health, or if pertinent laws, ordinances, or codes of any governmental body having jurisdiction shall not have been complied with. This includes the International Building Code (IBC) and the National Electric Code, which Manheim Township has officially adopted.
2. No dwelling or structure or land shall be permitted to be left in an unsafe or unsanitary condition.

SECTION 2202. VISIBILITY AT STREET INTERSECTIONS

The clear sight triangle as specified in the Subdivision and Land Development Ordinance, shall be provided and maintained at all street intersections. The triangle shall be established by measuring one hundred (100) feet or seventy-five (75) feet as defined in the Subdivision and Land Development from the point of intersection of the center lines of the streets. No building, planting, fencing, or other obstruction that would obscure the vision of a motorist shall be permitted within the area.

SECTION 2203. REMOVAL OF NATURAL RESOURCES

Removal of surface and subsurface natural resources, except trees and other vegetative growth, shall not be permitted, except as follows:

1. As part of the construction or alteration of a building or the grading incidental to a building.
2. In connection with normal lawn preparation and maintenance.
3. In connection with the construction or alteration of a street or utility improvement.
4. In farming operations, provided sound soil conservation practices are observed.

SECTION 2204. PUBLIC UTILITIES AND MUNICIPAL USES

1. Public Utilities.
 - A. This ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
2. Public Uses and Municipal Uses.

- A. Any structure or other improvement for the purpose of servicing a public utility or municipal use, except common or contract carriers, may be erected within any zoning district. If requested by the Township, public utilities shall file a plan with the Township, indicating the location of all proposed structures and rights-of-way within the Township.

SECTION 2205. CORNER LOTS

A corner lot shall have two (2) front yards, and a front yard setback shall be required for each.

SECTION 2206. REQUIRED YARDS

- 1. The minimum required yard as set forth in underlying districts or overlays shall remain unoccupied and unobstructed from the ground up, except as may be specifically provided for in this ordinance.
- 2. Permitted encroachments into required yards.
 - A. Cornices, eaves, chimneys, steps, stoops, canopies, fire escapes, required basement egress structures, and similar extensions from an existing building that utilize such building for support may project up to a maximum of five (5) feet into any required yard, but in no case shall be closer than five (5) feet to any property line.
 - B. Enclosed porches, decks, and patios shall be considered part of or immediately adjacent to the principal building and shall not project into any required yards.
 - C. The following are permitted within the required setbacks: minor public utility structures, public transit shelters, fences, freestanding walls, hedges, and retaining walls.
- 3. Build-to lines. In order to provide for visual diversity and interest along a streetscape:
 - A. Up to ten (10) percent of the buildings along a street may be offset from the build-to line a maximum of two (2) feet. Where such variation in build-to line is provided, it shall be clearly delineated on the plan.
 - B. A maximum of forty (40) percent of an individual building facade may be offset from the build-to line a maximum of four (4) feet in order to allow for recesses, courtyards, plazas, or the like.
 - C. Projections and cantilevered sections of a building shall encroach on the established build-to line for the block a maximum of four (4) feet.

SECTION 2207. LOT WIDTH, DEPTH, AND AREA EXCEPTIONS FOR LOTS OF RECORD

A conforming building may be constructed for a conforming use on any lot or parcel of land of record at the effective date of this ordinance, regardless of the area, depth, and width of such lot, provided such lot or parcel, at the time of passage of this ordinance, is shown to be a separate and distinct numbered lot of record on a previously approved plan of lots which has been recorded or which depicts streets or alleys which have been legally dedicated to public use, and provided the height limitations, maximum building footprint, and building setback regulations prescribed in this ordinance are complied with.

SECTION 2208. BUILDING HEIGHT EXCEPTIONS

All buildings and structures shall be subject to the maximum height regulations specified elsewhere in this ordinance, except chimneys, spires, farm buildings and farm accessory buildings, towers, elevator penthouses, cupolas, clock towers, steeples, water tanks, antennas, and flagpoles. The height of any such projection shall not exceed eighty-five (85) feet, except with respect to agricultural silos; however, the permitted height limits are also subject to applicable Federal Aviation Regulations, Part 77, regarding objects affecting navigable airspace.

SECTION 2209. ARTERIAL AND MAJOR COLLECTOR ROADS

For the purpose of this ordinance, the following roads shall be classified as arterial, limited access highways and major collector roads:

- Fruitville Pike
- Harrisburg Pike
- Lititz Pike (PA Route 501)
- Manheim Pike (PA Route 72)
- New Holland Pike (PA Route 23)
- Oregon Pike (PA Route 272)
- U.S. Route 222
- U.S. Route 283
- U.S. Route 30

SECTION 2210. FLOODPLAIN REGULATIONS

All floodplain areas shall be subject to the Floodplain Management Ordinance and the requirements of Article XXIV.

SECTION 2211. DRIVEWAYS

1. The maximum width of a driveway shall be thirty (35) feet. This width shall be measured at the point where the driveway meets the right-of-way line of a public road.
2. No driveway shall be permitted within three (3) feet of any side or rear property line.
3. A driveway shall be surfaced with an all-weather, durable and dustless material. Such material shall extend the full width of the driveway. Any portion of a driveway constructed within the public right-of-way shall be constructed to the approved standards of the Township or PennDOT.
4. Refer to Section 2012.

SECTION 2212. VEHICULAR ACCESS; FLAG LOTS

1. Direct vehicular access to a residential property shall be provided by means of an abutting improved public street or permanently maintained private street which is protected by a permanent easement.

2. Flag lots shall not be permitted, except as specified within the Planned Residential Development provisions.

SECTION 2213. SPECIAL BUILDING SETBACK REQUIREMENTS

The following minimum building setback requirements shall be applicable for the various roads as listed in accordance with the applicable T-Zone Overlay regulations. The building setback requirement shall be measured from the existing or required right-of-way line of the road.

| Road Name | Setback Distance (feet) |
|---|------------------------------------|
| East Oregon Road (PA Route 722) | 40 |
| Fruitville Pike | 40 |
| Harrisburg Pike | 50 |
| Lititz Pike (PA Route 501) | 50 |
| Manheim Pike (PA Route 72) | 50 |
| New Holland Pike (PA Route 23) | 50 |
| Oregon Pike (PA Route 272) | 40 |
| Petersburg Road, from Koser Road to West Oregon Road (PA Route 722) | 40 |
| U.S. Route 30 | 50 |
| U.S. Route 222 | 50 |
| U.S. Route 283 | 50 |
| West Oregon Road | 40 |

SECTION 2214. AIRPORT SAFETY ZONE

1. Purpose and intent.
 - A. State and federal law require the limitation of building and structural height in airport hazard areas.
 - B. Areas within Manheim Township have been identified as being within the airport hazard area of the Lancaster Airport, as defined in the Pennsylvania Aviation Code, and require special height controls.
 - C. These height restrictions are aimed at preventing the erection of structures that would interfere with or obstruct normal airplane approaches or airport operations. Such interference or obstruction would pose a threat to the health, safety, welfare, and convenience of the residents of the Township, as well as passengers aboard airport aircraft.
 - D. The Airport Safety Zone is used to impose needed height restrictions as an overlay

zoning district, thereby enhancing public safety and minimizing disruption of existing zoning policies.

2. Lands in zone defined.
 - A. The Township's Airport Safety Zone includes areas within Manheim Township depicted on the "Airport Hazard Area for Lancaster Airport." A copy of this map is available at the Township Municipal Office.
 - B. Two separate zones have been identified.
 - (1) Airport Safety Zone 1 includes areas most seriously affected by the airport operations. Areas contained within Airport Safety Zone 1 are located in such close proximity to airport runway approaches that this ordinance's normal permitted structural height (35 feet) could pose a safety hazard. Accordingly, height restrictions are strict, and review of proposed development is carefully scrutinized.
 - (2) Airport Safety Zone 2 includes areas just beyond Airport Safety Zone 1 and outlying areas that have particularly high elevations. These areas include those that cannot support structures that are higher than thirty-five (35) feet up to the maximum permitted structural height identified in Section 2208. Within this zone, regulations permit the placement of thirty-five (35) foot-high structures but require special review for structures higher than thirty-five (35) feet.
3. Relationship to other articles. The Airport Safety Zone represents an overlay zoning district that is concerned only with permitted heights. The underlying zoning district shall prescribe all other zoning-related standards and uses. In those instances where the Airport Safety Zone prescribes a height restriction different than that imposed by the underlying zoning district, the most restrictive standard shall apply.
4. Regulations within Airport Safety Zone 1. Any proposed use which involves the construction, erection or projection of a building or structure above the natural land grade shall require the following before a building permit can be issued by the Zoning Officer:
 - A. The applicant shall submit such plans, drawings, and blueprints as are reasonably necessary to ascertain the height of any proposed building or structure to the Lancaster Airport Authority for a review by the Authority for compliance with Federal Aviation Regulation No. 77. Upon receipt of a report from the Authority, the applicant shall then submit the plans, drawings, and specifications to the Zoning Officer and shall furnish the Zoning Officer with the report from the Authority, stating the results of its review. In the event that the Authority fails to issue a report within 45 days of receipt of all information necessary to make a compliance review, the applicant may submit a certification from a professional engineer stating that the engineer has reviewed the applicant's plans, drawings, and specifications and has examined Federal Aviation Regulation No. 77 and this ordinance and that the proposed use does not violate Federal Regulation No. 77. The Zoning Officer shall then determine if the proposed use is in compliance with Federal Aviation Regulation No. 77.

- B. If the Zoning Officer determines that the application does comply with Federal Aviation Regulation No. 77 and all other applicable provisions of this ordinance, he shall issue a building permit. If the Zoning Officer determines that the proposed use does not comply with Federal Aviation Regulation No. 77, then the Zoning Officer shall deny the application for a building permit. The applicant shall have the right of appeal to the Zoning Hearing Board, as elsewhere provided herein.
 - C. No variances to the height limitations set forth in Federal Aviation Regulation No. 77 will be granted by the Zoning Hearing Board without expressed written consent thereto from the Federal Aviation Administration. Such consent is to be obtained by the applicant. In addition, the applicant shall notify the Pennsylvania Department of Transportation of the applicant's intent to request a permit or any variances. Such notification shall be in written form and be sent so as to reach the Department at least ten (10) days before the application is to be submitted.
5. Regulations within Airport Safety Zone 2. Any proposed use involving structural height up to and including thirty-five (35) feet shall be permitted by right. Any proposed use which involves the construction, erection, or projection of a building, structure, or any other object exceeding thirty-five (35) feet in height shall require the following before a building permit can be issued by the Zoning Officer:
- A. The applicant shall submit such plans, drawings, and specifications as are reasonably necessary to ascertain the height of any proposed building or structure to the Lancaster Airport Authority for a review by the Authority for compliance with Federal Aviation Regulation No. 77. Upon receipt of a report from the Authority, the applicant shall then submit the plans, drawings, and specifications to the Zoning Officer and shall furnish the Zoning Officer with the report from the Authority, stating the results of its review. In the event that the Authority fails to issue a report within forty-five (45) days of receipt of all information necessary to make a compliance review, the applicant may submit a certification from a professional engineer stating that the engineer has reviewed the applicant's plans, drawings, and specifications and has examined Federal Aviation Regulation No. 77 and this ordinance and that the proposed use does not violate Federal Regulation No. 77. The Zoning Officer shall then determine if the proposed use is in compliance with Federal Aviation Regulation No. 77.
 - B. If the Zoning Officer determines that the application does comply with Federal Aviation Regulation No. 77 and all other applicable provisions of this ordinance, he shall issue a building permit. If the Zoning Officer determines that the proposed use does not comply with Federal Aviation Regulation No. 77, then the Zoning Officer shall deny the application for a building permit. The applicant shall have the right of appeal to the Zoning Hearing Board, as elsewhere provided herein.
 - C. No variances to the height limitations set forth in Federal Aviation Regulation No. 77 will be granted by the Zoning Hearing Board without expressed written consent thereto from the Federal Aviation Administration. Such consent is to be obtained by the applicant. In addition, the applicant shall notify the Pennsylvania Department of Transportation of the applicant's intent to request a permit or any variances. Such notification shall be in written form and be sent so as to reach the Department at least

ten (10) days before the application is to be submitted.

SECTION 2215. OBSCENITY

Obscenity shall be prohibited in all zoning districts in the Township.

SECTION 2216. OWNERSHIP, ADMINISTRATION AND MAINTENANCE OF COMMON OPEN SPACE

The method utilized for ownership, administration and maintenance of common open space shall be approved by the Board of Commissioners.

1. The ownership, administration and maintenance of common open space shall be arranged to be in accordance with one or more of the following:
 - A. The Township may accept dedication of common open spaces or any interest therein for public use and maintenance, for no consideration to be paid by the Township. Unless waived by the Board of Commissioners at time of approval, the Township shall have the option to accept all or any portion of the common open space at any time within ten (10) years of the recording of the final subdivision plan for the development. The final plan shall contain a note, in language acceptable to the Township Solicitor, that the common open space is irrevocably offered for dedication to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated common open space unless and until it has been accepted by formal action of the Board of Commissioners.
 - B. The landowner may establish an automatic-membership homeowners' or community association made up of the owners of property in the Planned Residential Development, or other development where common amenities are provided, as a nonprofit corporation, for the purpose of owning, administering and maintaining common open space; provided, however, the association shall not be dissolved nor shall it dispose of the common open space by sale or otherwise (except to an organization conceived and established to own, administer and maintain common open space approved by the Board of Commissioners) without first offering the common open space for dedication to the Township. The property owners' association shall be empowered to levy and collect assessments from the property owners of the planned residential development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
 - C. The landowner may establish a deed or deeds of trust, approved by the Board of Commissioners, for the purpose of owning, administering and maintaining common open space, with the trustee empowered to levy and collect assessments from the property owners of the Planned Residential Development, or other development

where common amenities are provided, to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

- D. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources, provided that:
 - (1) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence;
 - (2) The conveyance contains appropriate provisions for proper retransfer or reverter in the event that the organization becomes unable to continue to carry out its functions; and
 - (3) A maintenance agreement acceptable to the Township is entered into by the developer, organization and Township.
 - E. If a portion of the common open space is to be used for agricultural purposes, that portion of the common open space may be transferred to a person or other entity who will farm the land. Prior to the transfer of any common open space for agricultural purposes, a permanent conservation easement in favor of the Township, in language acceptable to the Township Solicitor, shall be imposed against such land. The conveyance shall contain appropriate provisions for the retransfer or reverter to the Township or any association or trustee holding the remainder of the common open space in the event the land ceases to be used for agricultural purposes.
 - F. If a portion of the common open space is to be used for an existing cemetery or a cemetery proposed as part of a house of worship, that portion of the common open space may be transferred to a religious organization, cemetery corporation, or other similar entity which will operate or maintain the cemetery. Prior to the transfer of any common open space for cemetery purposes, a permanent deed restriction in favor of the Township, in language acceptable to the Township Solicitor, shall be imposed against such land. The conveyance shall contain appropriate provisions for the retransfer or reverter to the Township or any association or trustee holding the remainder of the common open space in the event the land is not used for cemetery purposes.
2. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Board of Commissioners may serve written notice upon such organization or upon the landowners/residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Board of Commissioners may modify the terms of the original notice as to the deficiencies and may give an extension of

time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Board of Commissioners, in order to preserve the taxable values of the property within the development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year. Said maintenance by the Township, as directed by the Board of Commissioners, shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Board of Commissioners shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the landowners/residents of the development, to be held by the Board of Commissioners or its designated agency, at which hearing such organization or the residents/landowners of the development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Board of Commissioners, or its designated agency, shall determine that such organization is ready and able to maintain the common open space in reasonable condition, the Township shall cease to maintain said open space at the end of said year. If the Board of Commissioners or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Board of Commissioners shall be subject to appeal to court in such manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, as amended or supplemented. The cost of maintenance of such common open space by the Township shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of Lancaster County, Pennsylvania, upon the properties affected by the lien within the development.

SECTION 2217. REGIONAL STORMWATER FACILITY

1. Any stormwater management facility designed as a regional stormwater facility may be constructed within any Zoning District or T-Zone Overlay except for the agricultural district provided the stormwater management facility is designed in conformance with the Stormwater Management Ordinance.