

**WEST MANHEIM TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 270 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF WEST MANHEIM, WHICH CHAPTER IS ENTITLED “ZONING,” BY AMENDING SUBSECTION D AND SUBSECTION E OF SECTION 270-31, ENTITLED “PERMITTED USES,” OF ARTICLE VI, ENTITLED “BUSINESS CENTER DISTRICT,” HOTEL AND MOTEL AS PERMITTED COMMERCIAL USES TO DELETE NEW DWELLING UNITS IN CONJUNCTION WITH AND ABOVE PRINCIPAL USES PERMITTED IN SECTION 270-31B, C AND D AND NO IMPACT HOME OCCUPATIONS AS PERMITTED ACCESSORY AND TEMPORARY USES.**

**WHEREAS**, over the past several years, the Township has experienced substantial and rapid development of residential uses, including single-family homes, townhomes and apartments, resulting in a significant increase in the Township population; and

**WHEREAS**, said rapid development is continuing currently; and

**WHEREAS**, the Township Engineer has conducted an analysis of available vacant land within the Residential and Suburban Residential Zoning Districts; and

**WHEREAS**, the Township Engineer’s analysis concludes that there is a potential for 727 single-family residential lots and a greater number of residential units if townhomes or apartment buildings that could be developed in the Residential and Suburban Residential Zoning Districts, in addition to the various subdivision and land development plans that have been approved or are under construction; and

**WHEREAS**, the availability of Township resources, such as fire, EMS and police, has not grown at the same rate to keep pace with the growth of the residential population; and

**WHEREAS**, the Business Center District provides for residential uses as accessory to commercial uses permitted in the Zoning District, thereby creating the potential for a substantial number of additional residential units to be developed; and

**WHEREAS**, the Board of Supervisors desires to allow for reasonable residential development, while at the same time, affording the Township the opportunity to grow public resources to serve its rapidly increasing population base, as well as to allow the Township to go through the process of adopting an updated Comprehensive Plan and Zoning Ordinance without unchecked residential development; and

**WHEREAS**, based upon the analysis of the Township Engineer, the Board of Supervisors has determined that there is opportunity for reasonable residential development within the

Residential and Suburban Residential Zoning Districts without the need for additional residential and similar development within the Central Business District; and

**WHEREAS**, given the amount of residential growth, the Board of Supervisors further desire to encourage commercial development to provide job and economic development opportunities for residents and property owners so that residents may live, work and have access to commercial services within West Manheim Township; and

**WHEREAS**, the Board of Supervisors has determined that the deletion of the Rural Resource Zoning District will help to achieve the aforementioned goals.

**NOW, THEREFORE, BE IT SO ENACTED AND ORDAINED**, by the Board of Supervisors of the Township of West Manheim, York County, Pennsylvania, and by and through the authority of the same, as follows:

**Section 1.** **Legislative Findings.** The foregoing recitals are hereby incorporated as legislative findings of the Board of Supervisors.

**Section 2.** Chapter 270, Section 270-31.D is hereby amended by the deletion of Sub-subsection (8) “Hotel” and Sub-subsection (11) “Motel” and the remaining Sub-subsections shall be re-numbered such that Section 270-31.D shall read as follows:

D. Commercial uses.

- (1) Business and/or industry park (§ 270-121);
- (2) Convenience store (§ 270-126);
- (3) Day care, commercial (§ 270-127);
- (4) Financial institution (§ 270-134);
- (5) Funeral home (§ 270-136);
- (6) Golf course (§ 270-137);
- (7) Health and fitness club (§ 270-140);
- (8) Indoor commercial recreation (§ 270-144);
- (9) Medical or dental clinical facilities (§ 270-149);

- (10) Office (§ 270-157);
- (11) Parking lot;
- (12) Personal service business (§ 270-160);
- (13) Restaurant (§ 270-164);
- (14) Restaurant, drive-in (§ 270-165);
- (15) Restaurant, fast-food (§ 270-166);
- (16) Retail store or shop (§ 270-167);
- (17) School, commercial (§ 270-170); and
- (18) Theater.

**Section 3.** Chapter 270, Section 270-31.E is hereby amended by the deletion of Sub-subsection (2) “New dwelling units in conjunction with and above a principal use permitted in Section 270-31B, C and D (Residential use is only allowed above ground floor institutional, public and semipublic or commercial uses)” and Sub-subsection (3) “No impact home occupations” and the remaining Sub-subsections shall be re-numbered such that Section 270-31.E shall read as follows:

E. Accessory and temporary uses.

- (1) Uses customarily incidental to the above permitted uses;
- (2) Roadside stand (§ 270-105); and
- (3) Alternative energy facilities (§ 270-107).

**Section 4. Severability.** It is hereby declared to be the legislative intent of the Board of Supervisors that in the event a court of competent jurisdiction declares any provisions of this Ordinance are deemed to be invalid, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid. In such case, other provisions of this Ordinance that were not declared invalid shall continue to be separately and fully effective. West Manheim Township hereby declares that it would have passed all other parts of this Ordinance, exclusive of any provisions or parts declared invalid, if it had advance knowledge that such provision or part would be declared invalid.

**Section 5.** Repealer. Any provisions of ordinances that are inconsistent or incompatible with this Ordinance are hereby repealed and all other Township ordinances or parts thereof that are inconsistent or incompatible herewith are repealed to the extent of such inconsistency or incompatibility. All other provisions of ordinances that are unmodified by this Ordinance shall remain in full force and effect.

**Section 6.** This Ordinance shall take effect as provided by law.

**ENACTED AND ORDAINED** by the Board of Supervisors of West Manheim Township, in a lawful session, duly assembled, this \_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

**WEST MANHEIM TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Shanna Smale, Secretary

\_\_\_\_\_  
Jeremy Ault, Chairman

\_\_\_\_\_  
Terry Rynearson, Vice-Chairman

\_\_\_\_\_  
Harold Hartlaub

\_\_\_\_\_  
Jason Franks

\_\_\_\_\_  
Travis Wetzel