

HOPEWELL TOWNSHIP
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2-2013

AN ORDINANCE AMENDING THE HOPEWELL TOWNSHIP, YORK COUNTY ZONING ORDINANCE BY MODIFYING THE DEFINITION OF AGRICULTURAL REVIEW COMMITTEE; ADDING CERTAIN DEFINITIONS AND REGULATIONS RELATED TO DOMESTIC LIVESTOCK; AND DELETING HOUSE OF WORSHIP AS A PERMITTED USE AND CEMETERY AS A SPECIAL EXCEPTION USE IN THE RESIDENTIAL II ZONE; AND AMENDING THE HOPEWELL TOWNSHIP, YORK COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REGARDING RETAINAGE UPON RELEASE OF FINANCIAL SURETY

WHEREAS, Hopewell Township (Township) is a political subdivision, being a second class township; and,

WHEREAS, the Township is governed in land use by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. (MPC); and,

WHEREAS, pursuant to the MPC, the Township has adopted the Hopewell Township, York County, Pennsylvania Zoning Ordinance (Zoning Ordinance);

WHEREAS, the Township desires to amend the definition of *Agricultural Review Committee* in Section 102.2 [Specific Words and Phrases] of its Zoning Ordinance to include one member of the Township Planning Commission;

WHEREAS, the Township desires to add the definitions of *domestic livestock*, *domestic livestock use*, and *pasture* to Section 102.2 [Specific Words and Phrases] of its Zoning Ordinance;

WHEREAS, the Township desires to amend certain lot sizes and widths, front setbacks, and impose certain rules for the keeping of domestic livestock in its Zoning Ordinance; and

WHEREAS, the Township desires to delete "House of worship" as a permitted use and "Cemetery" as a special exception use in the Residential II Zone.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

SECTION 1: The definition of "Agricultural Review Committee" in Section 102.2 [Specific Words and Phrases] of the Hopewell Township Zoning Ordinance is hereby modified as specified below with deletions indicated by strikethrough (thus: ~~deleted~~) and additions indicated by double underline (thus: added):

AGRICULTURAL REVIEW COMMITTEE – A committee established by the Board of Supervisors, consisting of one (1) Supervisor, one (1) member of the Township Planning Commission, one (1) township Farmer, and the Zoning Officer. The purpose of the Agricultural Review Committee shall be, at the discretion and request of the Board of Supervisors or the Planning Commission in the case of a homestead lot, to evaluate the quality of farmland at issue in any subdivision or land development plan that involves subdividing for residential purposes a tract in either the Agricultural or Conservation Zone, to determine whether or not the conditions set forth in ~~Part V (A) Section 550~~ 374(b) et seq. have been met.

SECTION 2: The following definitions are added to Section 102.2 [Specific Words and Phrases] in their proper alphabetical place:

DOMESTIC LIVESTOCK USE – Any activity involving the keeping and/or raising of domestic livestock for hobby/ personal use. A domestic livestock use shall be accessory to a dwelling located at the same lot. This definition excludes all commercial animal operations.

DOMESTIC LIVESTOCK – Animals generally associated with agriculture, including but not limited to: horses (equine), swine, goats, cattle (bovine), sheep, llamas, and alpacas (camelid) which are kept for personal use, rather than for commercial or agricultural production purposes.

PASTURE – Land covered with grass or herbage suitable for grazing by livestock.

SECTION 3: A new Section 366 is hereby added as follows:

SECTION 366 KEEPING OF DOMESTIC LIVESTOCK

s. 366.1 Applicability: The requirements of this section shall only apply in the Residential Zone (R) and Residential II Zone (R-II). Domestic livestock may be kept in any other zone without being subject to the requirements of this section.

s. 366.2 Density: Domestic Livestock may be kept in accordance with the following table:

Animal	Acres Required for the First Animal	Additional Acres Required for Each Additional Animal
Horse	3.0	1.0
Cattle	3.0	1.0
Swine	3.0	1.0
Sheep/Goats	3.0	1.0
Llamas/ Alpacas	3.0	1.0
Roosters	NOT ALLOWED ON RESIDENTIAL LOTS	
Other domestic livestock (Excluding chickens)	3.0	1.0

s. 366.3 Calculation of Area: Fifty percent (50%) of the area required for the first animal must be open grazing pasture. One-hundred percent (100%) of the area required each additional area must be open grazing pasture.

s. 366.4 Setback Requirements: All buildings and structures housing domestic livestock, and any buildings or structures used to store feed or other materials used for domestic livestock use shall be located a minimum of fifty (50) feet from all property lines, or the setback required by the zone in which the use is located, whichever is greater. A minimum of one-hundred (100) feet shall be provided between any storage area or structure used for the storage of domestic livestock wastes and all property lines, existing street right-of-way lines, wetland and water courses.

s. 366.5 Fencing Requirements: Domestic livestock shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or authorized agent of the animal. Any damage done by domestic livestock kept in accordance with this section, regardless how minor, is the joint and several responsibility of the landowner and animal owner, if different.

s. 366.6 Height Restrictions: In all zones the highest restrictions of that zone shall apply to all buildings and structures.

s. 366.7 Accessory Buildings and Structures: All accessory buildings and structures shall comply with the building coverage, open space and impervious surface restrictions for the zone in which the lot is located.

s. 366.8 Wetlands and Waterways: Domestic livestock shall not have direct access to wetland, watercourses, spring or well. However, a stabilized stream crossing may be permitted with Township approval. All pasture shall be managed to assure dense vegetation throughout the growing season. Dense vegetation means the pasture is managed to minimize bare spots and to maintain an average vegetation height across the pasture during the growing season at least 3 inches high.

s. 366.9 No Nuisance: Domestic livestock use meeting the requirements of this section shall not constitute a nuisance with regards to noise, odor, vectors, dust, vibration, or other nuisance effects beyond the property lines of the parcel upon which the use is located.

SECTION 4: "House of worship" is hereby deleted from the list of permitted uses in the Residential II Zone under Section 207.2(a) [Uses Permitted] and the remaining list of permitted uses renumbered accordingly.

SECTION 5: "Cemetery" is hereby deleted from the list of uses permitted by special exception in the Residential II Zone under Section 207.3(a) [Uses by Special Exception] and the remaining list of special exception uses renumbered accordingly.

SECTION 6: The last sentence of the fourth to last paragraph of Section 612 of the Subdivision and Land Development Ordinance is hereby amended with deletions indicated by strikethrough (thus: ~~deleted~~) and additions indicated by double underline (thus: added) as follows:

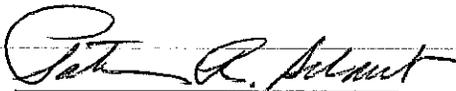
The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, ~~require retention~~ retain ten percent (10%) of the ~~estimated cost of~~ original amount of the posted financial security for the aforesaid improvements.

SECTION 7: This ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED this 7th day of February, 2013.

ATTEST:

HOPEWELL TOWNSHIP
BOARD OF SUPERVISORS



Patricia R. Schaub, Secretary

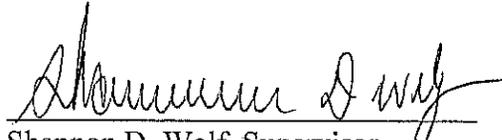


Aaron R. Manifold, Chairman



David T. Wisnom, Supervisor

(SEAL)



Shannon D. Wolf, Supervisor