

CODORUS TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

ORDINANCE No. 15-04

AN ORDINANCE TO AMEND THE "CODORUS TOWNSHIP ZONING ORDINANCE" AS ENACTED ON DECEMBER 7, 1974, AND AMENDED ON OCTOBER 12, 1977, JANUARY 28, 1982, FEBRUARY 2, 1984, SEPTEMBER 12, 1984, AUGUST 9, 1989, NOVEMBER 14, 1990, NOVEMBER 11, 1992, FEBRUARY 10, 1993, JULY 13, 1994, NOVEMBER 8, 1995, APRIL 10, 1996, SEPTEMBER 10, 1997, MARCH 11, 1998, SEPTEMBER 9, 1998, MARCH 8, 2000, JULY 12, 2000, JANUARY 10, 2001, JULY 10, 2002, MARCH 12, 2003, OCTOBER 8, 2003, AUGUST 11, 2004, OCTOBER 12, 2005, NOVEMBER 14, 2007, JANUARY 9, 2008, AUGUST 13, 2008, OCTOBER 14, 2009, JULY 13, 2011 AND NOVEMBER 14, 2012.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Codorus Township,

York County, Pennsylvania that:

1. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Accessory Building" and before the definition of "Alley" the following:

Agricultural Promotion Events - Events such as corn mazes, hay rides, wine and food tasting, haunted houses, field walks, festivals, etc. which promote sales at a Farm Market.

Agriculture - The production and preparation for market of crops, livestock, livestock products and dairy products and the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silviculture, and agricultural crops and commodities together with accessory uses for packing, testing or storing the products in barns, sheds and other buildings utilized for the housing and feeding of farm animals and the storing of farm supplies and farm equipment. This definition specifically excludes concentrated animal feeding operations which are separately defined.

2. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Area, Floor" and before the definition of "Basement" the following:

Auctions and Yard Sales - An event for the purpose of disposition of personal property by sale on site.

3. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to eliminate the definition "Billboard".

4. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete

the definition of "Building, Principal" and to substitute therefor the following:

Building, Principal - A building in which is conducted or intended to be conducted any principal use of the lot on which it is located.

5. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the words "Camp Ground" and to substitute therefor the word: "Campground".

6. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Carport" and before the definition of "Common Open Space" the following:

Child Day Care Center - A facility licensed by the Commonwealth of Pennsylvania that provides a wide range of formal day care services outside of a residence to children who are not relatives of the care giver.

7. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Common Open Space" and to substitute therefor the following:

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for use for enjoyment of residents of a development, not including streets, off street parking areas, and area set aside for public facilities.

8. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Common Open Space" and before the definition of "Conditional Use" the following:

Concentrated Animal Feeding Operation (CAFO) - Any operation involving the keeping of livestock in excess of the following numbers of animals specified in any of the following categories:

- (a) 700 mature dairy cows, whether milked or dry;
- (b) 1000 veal calves;
- (c) 1000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- (d) 2500 swine, each weighing 55 pounds or more;
- (e) 10,000 swine, each weighing less than 55 pounds;
- (f) 500 horses;

- (g) 10,000 sheep or lambs;
- (h) 55,000 turkeys;
- (i) 30,000 laying hens or broilers (if the operation uses a liquid manure handling system);
- (j) 125,000 chickens (other than laying hens)(if the operation uses other than a liquid manure handling system);
- (k) 82,000 laying hens (if the operation uses other than a liquid manure handling system);
- (l) 30,000 ducks (if the operation uses other than a liquid manure handling system); or
- (m) 5,000 ducks (if the operation uses a liquid manure handling system).

9. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Conditional Use".

10. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Dwelling Unit Area" and before the definition of "Family" the following:

Events Venue

An indoor or outdoor facility or combination thereof utilized for business, entertainment or recreational service to the general public or invited guests, including but not limited to weddings, wedding receptions, anniversary celebrations, other parties or gatherings, fund raising activities by non-profit organizations and uses which bring financial gain to the owners of the property where the event occurs. This definition excludes agricultural promotion activities which are described elsewhere in this ordinance.

11. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Family" and before the definition of "Flood Plain" the following:

Family Day Care Home - A facility located in a single family residence which provides supervised care for enumeration to not more than ten (10) children at any one time who are not relatives of the caregiver.

Farm Market - A commercial enterprise consisting of one or more buildings or structures or portions of building or structures, either permanent or temporary, designed and used primarily for the purpose of the sale of agricultural commodities as defined in 3 P. S. §952.

Farm Processing Establishment - A commercial enterprise consisting of one or more buildings or structures, either permanent or temporary, designed and used primarily for processing agricultural commodities such as, but not limited to, milk processing plants, creameries, cheese or yogurt making facilities, grain mills, slaughter houses, and wineries. Such establishment may be co-located with a farm market.

12. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Livestock" and to substitute therefor the following:

Livestock-any swine, cattle, sheep, goats, horses, or poultry.

13. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Mobile Home" and to substitute therefor the following:

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

14. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Mobile Home Lot" and to substitute therefor the following:

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereof of a single mobile home.

15. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Mobile Home Park" and to substitute therefor the following:

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

16. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Mobile Home Stand" and to substitute therefor the following:

Mobile Home Stand - That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

17. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Motel" and before the definition of "Nonconformity" the following:

No-impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic whether vehicular or pedestrian, pickup or delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the requirements of Section 614(A) of this ordinance.

18. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Nonconformity" and to substitute therefor the following:

Nonconformity - A use, structure or lot (1) existing on the effective date of this Ordinance, or (2) existing at the date of any subsequent amendment to this Ordinance, or (3) created by variance, and in conflict with the regulations of this Ordinance. Specifically, the following types of non conformities are distinguished.

19. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Nonconforming Structure" and to substitute therefor the following:

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

20. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Nonconformity, Dimensional" and before the definition of "Nursing Home" the following:

Nursery School - A facility designed and operated to provide regular instruction and day time care for two (2) or more children under the age of elementary school

students. No portion of a nursery school or of a building which is used as a nursery school shall be used as a family residence.

21. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Off-Lot Sewer Service" and to substitute therefor the following:

Off-Lot Sewer Service - A sanitary sewerage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

22. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Parcel" and to substitute therefor the following:

Parcel - All contiguous land owned by the same land owner and all land owned by the same land owner that is contiguous except for the presence of public or private road, the presence of lots or parcels adversed from the original tract since December 7, 1974, and/or by utility rights of way irrespective of whether the right of way is owned in fee or is an easement.

23. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Sign" and to substitute therefor the following:

SIGN - A device for visual communication that is used to bring the subject to the attention of the public, but not including flags or other insignia of any government, government agency, or of any civic, charitable, religious, fraternal, or similar organization.

Sign. Advertising - A sign whose major purpose is from directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

Sign. Attached - A sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

Sign. Business - A sign directing attention to or identifying a business or profession or a group of businesses or professions, conducted on the same lot as the sign is located, or to products sold on or within the same lot.

Sign. Directional - A sign which is for directing patrons or attendants to a business establishment or to service clubs, churches, or other nonprofit organizations.

Sign. Free-Standing - A sign supported by uprights or braces placed upon the ground and not attached to a building.

Sign. Projecting - A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.

24. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Special Exception" and to substitute therefor the following:

Special Exception - A use permitted in a particular zoning district by special exception to be granted by the Zoning Hearing Board in accordance with criteria set forth in this ordinance.

25. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Variance" and to substitute therefor the following:

Variance - Relief granted pursuant to the provisions of Section 1008 of this ordinance and Section 912 of the Pennsylvania Municipalities Planning Code.

26. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to delete the definition of "Zoning Officer" and to substitute therefor the following:

Zoning Officer - The duly appointed municipal official designated by the Township Supervisors as the administering and enforcing officer for this Ordinance.

26. Section 502 of the Codorus Township Zoning Ordinance is hereby amended to change the designation thereof to "Section 505" deleting the existing Section 505 and to substitute as Section 502 the following:

## **SECTION 502 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for one of the following uses:

1. Principal Uses:
  1. Agriculture (See Section 645)

2. Forest uses related to harvesting of lumber products
3. House of worship
4. Single family dwelling ( See Section 504)
5. Township owned and operated municipal recreation facility or park (See Section 636)
6. Group home (See Section 619(A))

Uses identified as principal use 3 must be located on land of low quality for agricultural use as defined in this ordinance. Each use described in numbers 3, 4, 5 and 6. shall reduce the number of dwelling units as set forth by Section 504(1)(a) permitted to be located upon the tract by one.

2. Accessory Uses:

1. Home occupation (See Section 614)
2. Signs (See Section 701)
3. Storage (See Section 629)
4. Outdoor swimming pool (See Section 623)
5. Farm market (See Section 633)
6. Farm processing establishment (See Section 634)
7. Domiciliary care unit (See Section 619(B)(2))
8. Family day care home (See Section 624)
9. Fences and walls (See Section 639)
10. Cemetery (See Section 641)
11. Nursery school (See Section 624)
12. No impact home-based business (See Section 615)
13. Events venue
14. Auction and yard sales (See Section 648)
15. Any other use customarily incidental to any of the uses permitted by this section as principal uses.

Accessory uses 1, 4, 7, 8, 12 and 14 shall be permitted as accessory only to principal use 4. Accessory uses 10 and 11 shall be permitted as accessory only to principal use 3. Accessory uses 5 and 6 shall be permitted only as accessory to principal use 1. Accessory use 13 shall be permitted as accessory only to principal uses 3 and 5.

3. Principal Uses Permitted by Special Exception:

1. Kennel (See Section 646)
2. Public Utility Building (See Section 609)
3. Communication, transmitting and receiving facilities (See Section 610)
4. Public buildings and essential uses
5. Waste water spray irrigation fields (See Section 612)

6. Outdoor recreational uses (See Section 627)
7. Use and storage of black powder, low and high explosives (See Section 632)
8. Solar farm (See Section 642)
9. Wind farm (See Section 643)
10. Bed and Breakfast Inn ( See Section 631)
11. Medical center, office or clinic (See Section 619(B)(3))
12. Concentrated Animal Feeding Operation (See Section 607)
13. Mill including, but not limited to, feed and grain mills
14. Automotive sales and services limited to agricultural equipment and agricultural vehicles
15. Veterinary office or animal hospital (See Section 608)
16. Warehousing, limited to the storage of agricultural equipment, vehicles, produce, feed and supplies

All uses permitted by special exception, except use 12, must be located on land of low quality for agricultural use as defined in this ordinance. Each such use excepting uses 3 and 5 shall reduce the number of dwelling units as set forth by Section 504(1)(a) permitted to be located upon the tract by one.

4. Accessory Uses Permitted by Special Exception:

1. Home occupation (See Section 614)
2. Any other use customarily incidental to any of the uses permitted by this section as special exception uses.

Accessory use 1 shall be permitted as accessory only to principal permitted use 4. (Single family dwelling)

27. Section 503 of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

**SECTION 503 SUBDIVISION**

1. Lots or parcels shall not be separated from the original tract unless it is determined that:
  - a. There is being separated from the original tract no more than one (1) acre for each dwelling unit assigned to the tract being separated provided, however, this shall not prevent approval of larger dwelling lots where reasonably necessary in order to provide a suitable location for the dwelling, the well, the on-site sewage disposal system, and the driveway; or

- b. The area being separated includes the existing farm buildings and it is necessary to include all of the land shown on the plan in order to include all of the existing farm buildings; or
  - c. Land is proposed to be transferred from one "parcel" to another "parcel" which parcel will after such transfer be at least as large as the transferor "parcel" prior to such transfer and such lands will be permanently merged with the transferee "parcel" and shall not subsequently be separated therefrom; or
  - d. All of the land proposed to be separated is going to be used as a "township owned and operated recreational facility or park" and the land proposed to be separated meets all of the requirements of Section 636 of this ordinance.
2. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have. In the event the property owner proposing a division of his property is not required by the provisions of the Codorus Township Subdivision and Land Development Ordinance to submit a subdivision plan meeting the requirements of that Ordinance, such property owner shall submit to the Board of Supervisors for approval a plan setting forth in a reasonably accurate manner the land owned by such property owner and the portion of such land proposed to be separated. Such plan shall also contain such information as is necessary to enable the Board of Supervisors to determine whether or not the requirements set forth in this Article and other articles of the Township Zoning Ordinance are met. Such plan shall set forth which lot or lots shown thereon shall contain with them the right to erect or place any unused quota of dwelling units the tract may have, and where this plan as opposed to a "subdivision plan" is submitted, all references in this Ordinance to "subdivision plan" shall refer to the plan submitted pursuant to this section. No lot or parcel may be subdivided or separated from the original tract without such plan having been approved by the Board of Supervisors.
3. Existing buildings shall not be separated from the original tract unless it is determined that they have no functional utility in connection with the agricultural use of the original tract.
4. There must be assigned to both the tract being separated from the original tract or parcel and the remaining portion of the original tract or parcel, at least one of the original tract's permitted allocation of single family dwelling units unless that land or parcel is being permanently joined to an adjacent tract or parcel, which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling.

28. Section 504(1)(d)(2) of the Codorus Township Zoning Ordinance hereby amended to delete the following "Section 505" and to substitute the following "Section 502".

29. Section 504(1)(d)(3)(a) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "Section 505" and to substitute therefore the following: "Section 502".

30. Section 506 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 506 LOT AREA AND WIDTH**

For each use permitted by right or by special exception, the following lot area and lot widths are applicable:

<u>Use</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1. Agriculture, forest uses relating to the harvesting of lumber products, concentrated animal feeding operation	None-(See Section 503)	200 feet
2. Kennel	5 acres	200 feet
3. Mill, including but not limited to feed and grain mills, nursery schools, house of worship	2 acres	200 feet
4. All other uses (Unless different requirements are set forth elsewhere in this ordinance).	40,000 sq. feet	200 feet

31. Section 511 of the Codorus Township Zoning Ordinance is hereby amended to change the designation thereof to "Section 512" and to substitute as Section 511 the following:

**SECTION 511 USE REGULATIONS**

No building or structure may be erected or used and no land may be used except for one of the following uses:

1. Principal Permitted Uses:

1. Single family dwelling
2. Agriculture (See Section 645)
3. Greenhouse, nursery
4. House of worship
5. Cemetery (See Section 641)
6. Municipal building
7. Fire station
8. Private social or recreation club (See Section 620)
9. Public recreational facility
10. Township owned and operated municipal recreation facility or park (See Section 636)
11. Group home (See Section 619(A))
12. Medical office or clinic (See Section 619(B)(3))

2. Accessory Uses:

1. Home occupation (See Section 614)
2. Signs (See Section 701)
3. Storage (See Section 629)
4. Domiciliary care unit (See Section 619(B)(2))
5. Family day care home (See Section 624)
6. Nursery school (See Section 624)
7. Farm market (See Section 633)
8. Farm processing center (See Section 634)
9. Fences and walls (See Section 639)
10. Outdoor swimming pool (See Section 623)
11. No impact home-based business (See Section 615)
12. Events venue
13. Auctions and yard sales (See Section 648)
14. Any other use customarily incidental to any uses permitted by this section as principal permitted uses

Accessory use 6 shall be permitted as accessory only to principal use 4. Accessory uses 1, 4, 5, 10 and 11 shall be permitted as accessory only to principal use 1. Accessory uses 7 and 8 shall be permitted only as accessory to principal use 2. Accessory use 12 shall be permitted only as accessory to principal uses 4, 5, 6, 7, 8, 9 and 10.

3. Principal Uses Permitted by Special Exception:

1. School (See Section 638)
2. Outdoor recreational use (See Section 627)

3. Trailer camp or campground (See Section 628)
  4. Group home (See Section 619(A))
  5. Rooming house (See Section 637)
  6. Bed and breakfast inn (See Section 631)
4. Accessory Uses:
1. Home occupation (See Section 614)
  2. Signs (See Section 701)
  3. Storage (See Section 629)
  4. Events venue
  5. Any other use customarily incidental to any uses permitted by this section as uses permitted by special exception.

Accessory use 1 is permitted as accessory only to principal permitted use 1. (Single family dwelling). Accessory use 4 is permitted as accessory only to special exception principal use 1.

32. Section 513 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 513 LOT AREA AND WIDTH**

For each use permitted by right or by special exception, the following lot area and lot widths are applicable:

	<u>Use</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1.	Agriculture	None	200 feet
2.	House of worship, private social recreation club	40,000 sq. feet	200 feet
3.	Greenhouse, nursery	1 acre	200 feet
4.	Single family dwelling (With public water and sewer)	20,000 sq. feet	100 feet
	(With public water or public sewer)	30,000 sq. feet	125 feet
	(With neither public water or sewer)	40,000 sq. feet	200 feet
5.	Cemetery	None	200 feet
6.	Group home	See Section 619D	
7.	All other uses	40,000 sq. feet	200 ft. (unless different requirements are set forth elsewhere in this ordinance).

33. Section 521 of the Codorus Township Zoning Ordinance is hereby amended to change the designation thereof to "Section 523" deleting the existing Section 523 and to substitute as Section 521 the following:

**SECTION 521 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for one of the following uses:

1. Principal Uses:

1. Single family dwelling
2. Single family semi-detached dwelling
3. House of worship
4. Municipal building
5. Fire station
6. Public recreation facility
7. Private social or recreational club, including fraternal organizations (See Section 620)
8. Group home (See Section 619(A))
9. Public utility building (See Section 609)
10. Agriculture (See Section 645)
11. Nursery school (See Section 624)
12. Child day care center (See Section 624)
13. Township owned and operated municipal recreation facility or park (See Section 636)
14. Medical center, office or clinic (See Section 619(B)(3))
15. Reduced impact single family development (See Section 640)
16. Open space development (See Section 625)

2. Accessory Uses:

1. Home occupation (See Section 614)
2. Storage (See Section 629)
3. Outdoor swimming pool (See Section 623)
4. Signs (See Section 701)
5. Domiciliary care unit (See Section 619(B))
6. Family day care home (See Section 624)
7. Farm market (See Section 633)
8. Farm processing establishment (See Section 634)
9. No impact home-based business (See Section 615)

10. Special events
11. Auctions and yard sales (See Section 648)
12. Any other use customarily incidental to any uses permitted by this section as principal uses.

Accessory uses 1, 3, 5, 6 and 9 shall be permitted as accessory only to principal uses 1, 2, 15 and 16. Accessory uses 7 and 8 shall be permitted as accessory only to principal use 10. Accessory use 10 shall be permitted as accessory only to principal uses 3, 4, 5, 6 and 7.

3. Principal Uses by Special Exception:

1. Multi-family conversion (See Section 618)
2. School (See Section 638)
3. Group home (See Section 619(A))
4. Public utility building (See Section 609)
5. Mobile home park (See Section 602)
6. Outdoor recreational use (See Section 627)
7. Hospital (See Section 619(B))
8. Nursing home or convalescent home (See Section 619(B))
9. Personal care home (See Section 619(B))
10. Adult day care center (See Section 619(B))
11. Rooming house (See Section 637)

4. Accessory Uses Permitted by Special Exception

1. Home occupation (See Section 614)
2. Signs (See Section 701)
3. Storage (See Section 629)
4. Events venue
5. Any other use customarily incidental to any of the uses permitted by this section as special exception use.

Accessory use 1 shall be permitted only as accessory to principal permitted uses 1, 2, 15 and 16. Accessory use 4 shall be permitted as accessory only to special exception permitted uses 2 and 6.

34. Section 524 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 524 LOT AREA AND WIDTH**

For each use permitted by right or special exception, the following lot area and lot widths are applicable:

	<u>Use</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1.	Agriculture	None	200 feet
2.	Open space development	See Section 625	See Section 625
3.	Single family dwelling (With public water and sewer)	15,000 sq. feet.	80 feet
	(With public water and/or sewer)	20,000 sq. feet	100 feet
	(With neither public water or sewer)	40,000 sq. feet	200 feet
4.	Single family semi-detached dwelling (With public water and sewer)	30,000 sq. feet	125 feet
	(With public water and/or public sewer)	40,000 sq. feet	150 feet
	(With neither public water or sewer)	60,000 sq. feet	250 feet
5.	Multi-family conversion (With public water and sewer)	40,000 sq. feet	150 feet
	(Not permitted without both public water and sewer)		
6.	House of worship (With public water and sewer)	2 acres	200 feet
	(With public water and/or sewer)	2 acres	200 feet
	(With neither public water or sewer)	3 acres	200 feet
7.	Private social or recreational club	20,000 sq. feet	100 feet
8.	Greenhouse, nursery	40,000 sq. feet	150 feet
9.	Reduced impact Single- family development (With public water and sewer)	11,000 sq. feet	70 feet
	(Not permitted without both public water and		

- sewer)
10. All other uses 40,000 sq. feet 200 feet (Unless different minimum requirements are set forth elsewhere in this ordinance).

35. Section 531 of the Codorus Township Zoning Ordinance is hereby amended to change the designation of same to "Section 532" deleting the existing Section 532 and to substitute as Section 531 the following:

### **SECTION 531 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for one of the following uses:

1. Principal Uses:
  1. Stores and personal service shops such as barber, beauty, shoe repair, dry cleaning and laundromats
  2. Business, professional and financial office
  3. Restaurant, including both quick service and sit down restaurants
  4. Café and other places serving food and beverages
  5. Motel, hotel
  6. Studio for teaching dancing, music, art or similar cultural activities
  7. Specialty shops for custom work and articles to be sold on premises such as baking, dress making, tailoring and printing
  8. Public entertainment facilities such as bowling alleys, miniature golf courses and golf driving ranges
  9. Mortuaries
  10. Fraternal clubs, lodges and social recreational clubs
  11. Municipal building
  12. Fire station
  13. Nurseries and greenhouses
  14. Agriculture (See Section 645)
  15. Veterinary office, including animal hospital (See Section 608)
  16. Vehicle repair garages, sales, washing and storage areas
  17. House of worship
  18. Farm equipment sales, service, repair and storage areas
  19. Apartment in conjunction with a commercial establishment
  20. Medical, dental, research, or similar laboratories and clinics
  21. Heavy storage services
  22. Motor freight depot, truck terminal
  23. Sawmill

24. Township owned and operated municipal recreation facility or park (See Section 636)
  25. Medical center, office or clinic (See Section 619(B)(3))
  26. Child day care center (See Section 624)
  27. Nursery school (See Section 624)
  28. Events venue
2. Accessory Uses:
1. Signs (See Section 701)
  2. Storage (See Section 629)
  3. Any other use customarily incidental to any of the uses permitted by this section as principal uses.
3. Uses by Special Exception:
1. Junkyard (See Section 601)
  2. Automotive, gasoline or service station (See Section 621)
  3. Industrial park (See Section 622)
  4. Light manufacturing, including such uses as printing, publishing, soft drink bottling, packaging products, lace manufacturer, sewing apparel, electronic apparatus assembly, instrument making, tool and die making, cabinet making, electroplating metals, and molding plastic (See Section 622)
  5. General manufacturing, including such uses as food processing, furniture, textiles, leather, rubber, paper, fabricated metals, machinery, stone, clay, glass, automobile dismantling plants, incineration, baling or treatment of junk, scrap, metals, rags and paper (See Section 622)
  6. Extractive operations (See Section 611)
  7. Solid waste disposal site (See Section 611)
  8. Outdoor recreational use (See Section 627)
  9. Trailer camp or campground (See Section 628)
  10. Hospital (See Section 619(B))
  11. Nursing home or convalescent home (See Section 619(B))
  12. Personal care home (See Section 619(B))
  13. Adult day care center (See Section 619(B))
  14. Rooming house (See Section 637)
  15. Bed and breakfast inn (See Section 631)
  16. Communication, transmitting and receiving facilities (See Section 610)
4. Accessory Uses:
1. Signs (See Section 701)
  2. Storage (See Section 329)

3. Any other use customarily incidental to any of the uses permitted by this section as special exception uses.

36. Section 533 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 533 LOT AREA AND WIDTH**

For each use permitted by right or special exception, the following lot area and lot widths are applicable:

<u>Use</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1. House of worship	2 acres	200 feet
2. All other uses	40,000 square feet	200 feet (Unless different requirements are set forth elsewhere in this ordinance)

37. Section 602 of the Codorus Township Zoning Ordinance is hereby amended to delete subparagraph 2 in its entirety.

38. Section 606 of the Codorus Township Zoning Ordinance is hereby amended to delete the second sentence thereof and to substitute therefor the following:

The flood plain is established as those lands in the Township whose soils are subject to periodic flooding or overflow as described on the most recent maps prepared by the Federal Emergency Management Agency (FEMA).

39. Sections 607 of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

**SECTION 607 CONCENTRATED ANIMAL FEEDING OPERATIONS**

The requirements of this section shall apply to all Concentrated Animal Feeding Operations (CAFOs) and all operations that expand or modify their operations so as to cause them to become CAFOs. There shall be no minimum lot size for this use.

- a. Building Permit

Prior to receiving a building permit to construct any structures or other

facilities to be utilized in connection with a CAFO, the applicant must establish and provide documentation to the Township of the following:

- (1) That a special exception has been obtained if required by the provision of subsection (b) hereof.
- (2) That a land development plan including a storm water management plan and an erosion and sediment control plan for the site meeting the requirements of the Township Subdivision and Land Development Ordinance has been approved by the Township. The land development plan must establish that all manure storage facilities will be located in accordance with the applicable setbacks set forth in 25 Pa. Code Chapter 83 and approved Nutrient and Odor Management Plans and all carcass storage facilities or composting facilities and other structures or facilities to be used in connection with the CAFO will be located in accordance with an approved Odor Management Plan.
- (3) That all animal concentration areas, manure storage facilities and/or carcass storage or composting facilities and other buildings or structures have been designed in accordance with all applicable federal, state and local laws and regulations including but not limited to those of the Department of Environmental Protection set forth in 25 Pa. Code, Chapters 83 and 91 and those of the Environmental Protection Agency set forth in Volume 40 of the Code of Federal Regulations and that a Pennsylvania registered professional engineer has certified that the design of the manure storage facilities are in accordance with such applicable federal, state and local laws and regulations and that all permits required by such laws and regulations have been obtained.
- (4) That if new or additional driveway access from a public road will be utilized a driveway permit has been approved.
- (5) That the proposed operation has received an NPDES permit from the Pennsylvania Department of Environmental Protection, as agent for the United States Environmental Protection Agency and has filed a copy thereof with the Township.
- (6) That an Operators Site Specific Nutrient Management Plan has been approved by the State Conservation Commission or its designated agent with a copy provided to the Township.

- (7) That an Odor Management Plan and Odor Site Index Plan approved by the State Conservation Commission or its designated agent has been submitted to the Township.
- (8) If not included within an approved nutrient management plan submitted to the Township, the applicant must provide to the Township emergency contact information.
- (9) If the proposed manure storage facility is to incorporate a leak detection system, the applicant must provide the Township with an identification and description of the record keeping and inspection requirements with respect to such system.

b. Special Exceptions

- (1) A special exception to be granted by the Zoning Hearing Board shall be required prior to issuance of a building permit to construct any buildings or other structures to be utilized in connection with a CAFO. The application will be reviewed by the Zoning Hearing Board pursuant to the provisions of Sections 1007 of the Township Zoning Ordinance. In addition to the general standards set forth in Section 1007 (except Section 1007(7), the applicant must establish that all requirements set forth in Section 607(a)(2) through (9) as prerequisites for obtaining a building permit have been met.
- (2) Any special exception granted by the Zoning Hearing Board shall impose only such additional conditions as are permitted by Section 912.1 of the Pennsylvania Municipalities Planning Code (53 P.S. §10912.1). Any special exception shall be specifically conditioned upon continued compliance with all the requirements of this Section (607), and all other relevant provisions of this Ordinance and with all the requirements of 25 Pa. Code, Chapters 83 and 91 and with the implementation of all provisions of the proposed Odor Control Plan and with the representations set forth in the application.

c. Use Certificate

Prior to issuance of a use certificate the applicant must provide to the Township documentation establishing compliance with the following conditions:

- (1) That the Township Engineer has certified that proposed storm water management facilities have been constructed consistent with the

requirements of the approved land development plan and the storm water management plan submitted in conjunction with the land development plan.

- (2) That a registered professional engineer employed by the Township or by a Commonwealth agency has certified that all driveways, buildings, animal concentration areas, manure storage facilities, carcass storage facilities, carcass compost facilities and other associated buildings and structures which have been permitted have been constructed in accordance with the plan submitted to the Township and in accordance with all applicable federal, state and local laws and regulations including, but not limited to, those of the Pennsylvania Department of Environmental Protection as set forth in 25 Pa. Code, Chapters 83, 91 and 92, those promulgated by the United States Environmental Protection Agency as set forth in Volume 40 of the Code of Federal Regulations and in accordance with the building permit issued by the Township.
- (3) All requirements imposed by any NPDES permit have been completed and approved by the Pennsylvania Department of Environmental Protection.
- (4) That the applicant has filed with the Township a plan for the disposal of dead animals consistent with the requirements of the Pennsylvania Department of Environmental Protection and the Domestic Animal Law, 3 Pa. C.S.A. §2352.
- (5) That there has been provided to the Township copies of all waivers, permits, approved plans or other documentation required by the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency prior to commencement of operations.
- (6) Any use certificate shall be specifically conditioned upon continued compliance with all the requirements of this Section (607), and all other relevant provisions of this Ordinance and with all the requirements of 25 Pa. Code, Chapters 83 and 91, with the implementation of all provisions of the proposed Odor Control Plan and with the representations set forth in the application.

d. Operation

Following issuance of the use certificate:

- (1) The holder of the use certificate must insure that the documentation filed with the Township to meet the requirements of Section 607 are maintained current to permit continuing operation of the use. Copies of modifications, amendments and/or termination of any of those documents must be forwarded to the Township within thirty (30) days following modification, termination or approval of such amended plans or permits.
- (2) The owner of the parcel where the CAFO is located must insure that all provisions of this Ordinance, all provisions of the nutrient management plan, all provisions of the NPDES permit, all provisions of the Odor Control Plan and all provisions of the approved land development plan including storm water management plan and erosion and sediment control plan are complied with.
- (3) The owner must inform the Township of any changes in the owner's plan of operation such as an increase in the number of animals beyond that set forth in the special exception application which would cause the operation to be inconsistent with the special exception application and apply for and obtain a modification of his special exception before implementing such changes.
- (4) The owner must, before the first day of any calendar year, provide to the Township copies of all reports of any state inspections of any leak detection system during the prior calendar year.
- (5) It shall be the responsibility of the owner of the property where any CAFO is located to demonstrate to the Township continuous compliance with the requirements of this Ordinance and supply such documentation as is reasonably requested by the Township in order to verify such compliance.

40. Section 611(2)(a) of the Codorus Township Zoning Ordinance is hereby amended to delete the words "stock-piles" and to substitute therefor the word "stockpiles".

41. Section 611(2)(b) of the Codorus Township Zoning Ordinance is hereby amended to delete the word "high-way" and to substitute therefor the word "highway".

42. Section 612(1) of the Codorus Township Zoning Ordinance is hereby amended to

delete the word "an" and to substitute therefor the word "and".

43. Section 614(3)(e) of the Codorus Township Zoning Ordinance is hereby amended to delete the following words and numbers: "fifty (50) percent" and to substitute therefor the following: "fifty (50%) percent".

44. Section 615 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 615 NO IMPACT HOME-BASED BUSINESS**

This use shall be permitted in all zones as an accessory use secondary to the use of a property as a residential dwelling without receipt of a use certificate for the no-impact home-based business provided all the following requirements are met:

- (a) The business activity is compatible with the residential use of the property and surrounding residential uses;
- (b) The business employs no employees other than family members residing in the dwelling;
- (c) There is no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
- (d) There is no outside appearance of a business use including, but not limited to, parking, signs or lights;
- (e) The business activity does not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;
- (f) The business activity does not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood;
- (g) The business activity is conducted within the dwelling and occupies no more than twenty-five (25%) percent of the habitable floor area;
- (h) The business activity does not involve any illegal activities;
- (i) The business activity involves no customer, client or patient traffic, whether

vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.

45. Section 624 of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

**SECTION 624 CHILD CARE FACILITIES**

1. Family Day Care Home

This use shall be permitted as accessory to use as a single family dwelling, a single family semi-detached dwelling, a row dwelling or a multi-family dwelling subject to the limitations which are placed in this ordinance with respect to the location of such dwellings.

2. Child Day Care Center

This use is subject to the following requirements:

- a. That the location of the child day care center meets all of the requirements of this ordinance regarding the location of buildings.
- b. In the event the facility requires certification and/or licensing from State and/or Federal agencies to permit its operation, the applicant must establish that it has or will be able to secure such certifications and licenses.
- c. There must be a fenced play area.
- d. No portion of a residence may be used as a child day care center and no portion of a child day care center may be used as a residence.
- e. There must be one parking space for each employee of the center and an off street area where children can be dropped off and picked up.

3. Nursery School

This use is subject to the following requirements:

- a. The lot on which the use is located must be at least two (2) acres in size.
- b. The location of the nursery school must meet all of the requirements of this

ordinance regarding the location of buildings.

- c. In the event the facility requires certification and/or licensing from State and/or Federal agencies to permit its operation, the applicant must establish that he has or will be able to secure such certifications and licenses.
- d. There must be a fenced play area which is located outside the front yard area.
- e. No portion of a nursery school may be used as a residence and no portion of a residence may be used as a nursery school.
- f. That unless the application is to locate in the General Commercial District, the applicant must establish that it is a non-profit organization and exempt from Federal tax pursuant to the provisions of Section 501(c) of the Internal Revenue Code. Any use certificate granted shall terminate immediately if the owner or operator loses its status as a non-profit organization or is an exempt organization pursuant to Section 501(c) of the Internal Revenue Code.
- g. There must be at least one parking space for each employee of the nursery school in addition to at least one parking space per five (5) children served.
- h. There must be a designated off-street area where children can be dropped off and picked up.

46. Section 625(2)(c) of the Codorus Township Zoning Ordinance is hereby amended to delete the following "c Tract Standards" and to substitute therefor the following: "c. Tract Standards".

47. Section 625(11) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "50%" and to substitute therefor the following: "fifty (50%) percent".

48. Section 625(12) of the Codorus Township Zoning Ordinance is hereby amended to add at the end of the third sentence thereof the following: "(625)" and to delete from the third paragraph of the "Example" the following: "Because forty (40%) of the tract must be "open space"" and to substitute therefor the following: "Because forty (40%) percent of the tract must be "open space"".

49. Section 625(13)(a) of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

- a. No more than forty (40%) percent of any lot area may be covered with buildings or structures.

50. Section 625(13)(b) of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

- b. No more than sixty (60%) percent of any lot area may be covered with impervious surfaces.

51. Section 626(4)(b)(2) of the Codorus Township Zoning Ordinance is hereby amended to delete the following words and numbers: "thirty-five percent (35%)" and to substitute therefor the following: "thirty-five (35%) percent".

52. Section 626(4)(d) of the Codorus Township Zoning Ordinance is hereby amended to delete the number "642" and to substitute therefor the number "645".

53. Section 628 of the Codorus Township Zoning Ordinance is hereby amended to delete from the heading thereof the follows: "CAMP GROUND" and to substitute therefor the following: "CAMPGROUND".

54. Section 628(2) (a) of the Codorus Township Zoning Ordinance is hereby amended to delete the word "men's" and to substitute therefor the word: "mens" and to delete the word "ladies'" and to substitute therefor the word: "ladies".

55. Section 628(2)(c) of the Codorus Township Zoning Ordinance is hereby amended to delete the words "camp sites" and to substitute therefor the word "campsites".

56. Section 628(5) of the Codorus Township Zoning Ordinance is hereby amended to delete the words "camp site" and to substitute therefor the word "campsite".

57. Section 628(6) of the Codorus Township Zoning Ordinance is hereby amended to delete the words "camp ground" and to substitute therefor the word "campground".

58. Section 629 of the Codorus Township Zoning Ordinance is hereby amended to add at the end thereof the following:

3. A recreational vehicle which may be stored on a lot occupied by the owner of the vehicle, provided such vehicle is located so as to meet all dimensional requirements for the District within which it is located. On street parking is prohibited.

59. Section 630(3) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "drive- ways" and to substitute therefor the word "driveways".

60. Section 633 of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

### **SECTION 633 FARM MARKET**

This use shall be permitted as accessory to "Agriculture" in each zoning district provided that all of the following requirements are complied with:

1. At least fifty (50%) percent of annual gross sales must be of agricultural commodities grown or produced on land farmed by the operator of the farm market.
2. At least seventy-five (75%) percent of annual gross sales must be of agricultural commodities. Agricultural commodities include such items as vegetables, fruit, cider, nursery plants, trees, wine, cheese, yogurt, milk, and butter as further defined in 3 P. S. §952. It does not include crafts and manufactured products normally sold at a flea market.
3. The operator must keep such records as are necessary to establish compliance with sections 1 and 2 above.
4. If York County has been declared an agricultural disaster any year by the U.S. Department of Agricultural, the requirements of Section 1 above shall not be applicable in that year.

Agricultural Promotion Events shall be permitted as an accessory use provided no fees are

paid by those attending such events other than to purchase agricultural commodities. This shall not preclude requiring a minimum purchase.

61. Section 634 of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

**SECTION 634 FARM PROCESSING ESTABLISHMENT**

This use is permitted as accessory to "Agriculture" in each zoning district provided that the following requirements will be complied with:

1. At least thirty (30%) percent of the volume of products processed must be of products grown on land farmed by the operator of the farm processing establishment. Nothing contained herein shall preclude multiple farmers operating farms within Codorus Township or elsewhere within York County from combining into a single farm processing establishment operated by one or more of such farmers, in which case the numerical requirements of this section shall apply to such farmers collectively.
2. The operator of the farm processing establishment must keep such records as are necessary to establish compliance with section 1 above.

62. Section 639(2) of the Codorus Township Zoning Ordinance is hereby amended to delete the number "50" and to substitute therefor the following: "50%".

63. Section 639(4)(a) and (b) of the Codorus Township Zoning Ordinance are hereby amended to delete the following: "©" wherever it appears and to substitute therefor the following: "(c)".

64. Section 640(B)(2)(b) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "three percent (3%)" and to substitute therefor the following: "three (3%) percent".

65. Section 640(B)(3) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "ten percent (10%)" and to substitute therefor the following: "ten (10%)

percent”.

66. Section 640(B)(3)(h) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: “Section 625.4e” and to substitute therefor the following: “Section 625(4)(e)”.

67. Section 640(B)(4) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: “fifty percent (50%)” and to substitute therefor the following: “fifty (50%) percent”.

68. Section 640(C)(3) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: “fifty percent (50%)” and to substitute therefor the following: “fifty (50%) percent” and to delete the following: “three percent (3%)” and to substitute therefor the following: “three (3%) percent”.

69. Section 640(C)(4) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: “twenty-five percent (25%)” and to substitute therefor the following: “twenty-five (25%) percent”.

70. Section 640(D)(2) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: “20%” and to substitute therefor the following: “twenty (20%) percent” and to delete the following: “25%” and to substitute therefor the following: “twenty-five (25%) percent”.

71. Section 641(b) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: “thirty-five percent (35%)” and to substitute therefor the following: “thirty-five (35%) percent”.

73. Section 647 of the Codorus Township Zoning Ordinance is hereby added to delete the same in its entirety and to substitute therefor the following:

## SECTION 647 TREE REMOVAL

1. No person, firm, association or corporation shall cause or permit more than fifty (50%) per cent of trees in excess of twenty (20) feet in height to be cut or removed from any area without a plan approved by the Township. For purpose of calculating the percentage of trees removed from any area, the area shall include the location where any particular tree is cut or removed and all locations within fifty (50) feet of such point. The fifty (50%) per cent limitation shall be based upon the number of trees within the "area" as of the date of the enactment of this amendment.

2. Plan Requirements -

The plan, which must be submitted and approved in the event more than fifty (50%) per cent of trees in excess of twenty (20) feet in height are proposed to be removed from an area shall include the following:

- a. Design of the access system, including haul roads, skid roads, skid trails and landings;
- b. Design of water control measures and structures, such as culverts, broad base dips, filter strips and water bars;
- c. Design of stream and wetland crossings and all necessary federal and state permits which accompany such crossings;
- d. An erosion and sediment control plan;
- e. A plan for use of the area following tree removal. If the plan is for forest regeneration, the plan must clearly delineate how the forest will in fact be regenerated and provide assurance that such regeneration will in fact occur. If the plan does not propose regeneration of the forest, it must establish how the area will be stabilized on a long term basis so that erosion does not occur and that there will not be increased water flow onto neighboring properties;
- f. Each plan shall include a site map showing two foot contour intervals which shall include the following information:
  - (1) Site location and boundaries, including both the boundaries of the property on which tree removal is to occur and the area within the property on which tree removal will occur;
  - (2) Significant topographic features located within the area where tree removal is proposed to occur;

- (3) The location of all proposed earth disturbance activities such as roads and landings;
  - (4) The location of all proposed water control measures and structures and all proposed stream crossings;
  - (5) The location of the access system including haul roads, skid roads and trails; and
  - (6) The location of any wetlands which will be disturbed by tree removal activity.
4. Plan Review -
- a. The erosion and sediment control plan must be reviewed and approved by the York County Conservation District.
  - b. The plan will be approved by the Township only if it finds that the affected areas will be protected both during and following the tree removal process, and that excess water flow will not occur on neighboring properties so as to cause damage to such property.
5. Following approval of the plan, the property owner shall take all measures to fully implement the approved plan including, but not limited to, all of the provisions of such plan designed to prevent erosion and prevent damage to neighboring properties
6. In the event the implementation of the measures set forth on an approved plan fail to prevent erosion or damage to neighboring properties, the owner where such tree removal has occurred shall take such further measures as the Township finds reasonably necessary to prevent further erosion, remedy the effects of prior erosion and to repair damage which occurred to neighboring properties and to prevent further damage to such properties.
7. The provisions of this ordinance shall not apply to the removal of trees to permit the construction of new buildings, driveways, wells or sewage disposal systems following the issuance of permits permitting the construction of such facilities at the proposed location.
8. In addition to the other penalties provided in this ordinance, anyone cutting or removing trees or permitting trees to be cut or removed in violation of this ordinance shall replant trees in the area where such trees were cut or removed. Trees shall be varieties native to the Township and approved by

the Township, be of a minimum diameter of one and one half (1-1/2) inches, be at least six (6) feet in height and be planted not further than twenty (20) feet apart. Any trees which die within five (5) years from being planted shall be removed and replaced within six (6) months following the time such tree died. The replanting requirement shall not apply to areas where permits have been issued to permit the construction of new buildings, driveways, wells or sewage disposal systems.

74. Section 648 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 648 AUCTION AND YARD SALES**

This use is permitted as an accessory use in all zoning districts provided there may not be more than two (2) such events on any parcel in any calendar year, neither of which may exceed seventy-two (72) hours in length.

75. Section 649 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 649 ENVIRONMENTAL REGULATIONS**

In all Districts all uses and activities established after the effective date of this Ordinance shall comply with the following performance standards; all existing uses and activities in compliance with the following performance standards on the effective date of this Ordinance shall continue in compliance; and all existing uses and activities not in compliance with Section 390(a) through 390(e) regarding environmental standards shall, within two (2) years following the effective date of this Ordinance, bring themselves into compliance.

a. Noise

The sound level of any operation at any property line shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (preferred Frequencies for Acoustical Measurements, SI 6-1960 American Standards Association, New York, New York)

1. Standards - The sound-pressure level resulting from any operation in any District shall not exceed the maximum permitted sound levels set forth below expressly or waived in paragraph 2 below.

Center Frequency

Maximum Sound-Pressure  
Level

<u>(Cycles per second)</u>	<u>(Decibels)</u>
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

(Sound pressure level in decibels equals 0.002 dynes/cm)

2. Waivers - The following sources of noise are exempt.

- a. ) Transportation vehicles not under the control of an on-site use.
- b. ) Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. ) Temporary construction activity between 7:00 A.M. and 7:00 P.M.
- d. ) Agricultural operations where the excess sound level is temporary or seasonal in nature.

b. Vibration

No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particles velocity, which may be measured directly at the property lines with suitable instrumentation or computed on the basis of displacement and frequency. When computed the following formula shall be used.

$PV=6.28 F \times D$  where

PV=Particle velocity, inches per second

F=Vibration frequency, cycles per second

D=Single amplitude displacement of the vibration inches.

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

Maximum Ground Transmitted Vibration

<u>Zoning District</u>	<u>Particle Velocity</u>	<u>(Inches/Second)</u>
	Adjacent	
	<u>(Lot Line)</u>	
Conservation, Agricultural & Residential	0.05	0.02
Commercial & Industrial	0.10	0.02

Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two.

When specifically indicated to the contrary elsewhere in this ordinance, vibration resulting from temporary construction activity that occurs between 5:00 am and 7:00 pm shall be exempt from the indicated performance standard

c. Heat

No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree F.

d. Glare

All operations or activity-producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any district other than a Commercial or Industrial District.

e. Pollution

1. Odors and Fumes. No person, partnership, corporation or association may cause or permit on land owned by him, the emission into the outdoor atmosphere of any malodorous, hazardous, or non-permitted air contaminants from any source in such manner that the odors are detectable outside of the property of the person on whose land the source is being operated.

2. Dust and Particulate Matter. No person, partnership, corporation or association may cause or permit on land owned by him, the emission into the outdoor atmosphere of any particulate air contaminates from any source in such manner that the particulates are detectable by human senses outside of the property of the person on whose land the source is being operated.

3. The discharge of any substance into the atmosphere shall be in strict compliance with provisions of the Federal Clean Air Act and the Pennsylvania Air Pollution Control Act, as amended, and the regulations adopted pursuant thereto, all of which regulations are incorporated herein by reference.
4. Dust and Particulates. Dust and particulate matter emission from materials or products subject to becoming windblown shall be kept to a minimum by paving, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved streets, yards and storage piles of bulk materials such as stone, sand, cinders, manure, and topsoil. Watercourses and water sources must not be contaminated in violation of the Pennsylvania Clean Streams Law and Regulations issued pursuant thereto by particulate runoff. No dust or particulate matter may be discharged into the atmosphere, onto the surface of the ground, or into a stream or other body of water if such discharge is in violation of the standards established by the Pennsylvania Air Pollution Control Act or by the regulations issued pursuant thereto.
5. Water Pollution. All uses and activities in the township shall meet all applicable requirements of the Pennsylvania Clean Streams Law, Act 394 of 1937 as amended, and all other Federal and state laws pertaining to the quality of surface water, storm water runoff, and groundwater. This includes all laws and regulations pertaining to obtaining National Pollutant Discharge Elimination System (NPDES) permits for both point source and non-point source regulated sources.
6. The provisions regarding pollution shall not be applicable to the extent that such regulations are inconsistent with or in violation of any federal or state laws or regulations.

f. Fly Control

Any operation in any zoning district must assure such operation will not allow flies to leave the premises or traverse boundary lines to the extent that they become a public nuisance as defined in this Ordinance. In the event that Codorus Township or other government entity finds that the proliferation of flies emanating from an established operation is affecting the health and/or welfare of people, the operators will be required to implement a fly control plan. Any special exception granted by the Zoning Hearing Board shall be specifically conditioned upon the successful implementation of the fly control plan and shall be revoked if the proposed fly control plan is not implemented and in operation at the time of the commencement of the new operation. In the event any fly control program proves unsuccessful in

controlling the fly population, the applicant will be required to implement additional measures acceptable to the Township to enable the required control to occur.

76. Section 650 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 650 APPLICATION OF PERFORMANCE STANDARDS**

If, in the considered judgment of the Zoning Officer, there is a probable violation of the performance standards set forth herein, the following procedures shall be followed:

1. The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes admission of violation of the terms of this Ordinance.

Except in connection with alleged violations of section 649(e) regarding air pollution, the notice shall state that, on request of those to whom it is directed, technical determinations shall be made as to the existence of the alleged violation and if a violation is determined to exist the cost of such determination shall be charged against those responsible for the violation, in addition to other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.

2. If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.
3. If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he shall take of cause to be taken such action as is warranted by continuation of a violation after notice to cease.
4. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.

5. If a reply is received within the time set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Zoning Officer may call in property qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed, against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 909 of this Ordinance. If no violation is found, the cost of the determinations shall be paid by the Township without assessment against person or persons involved.

77. Sections 701 through 709 of the Codorus Township Zoning Ordinance are hereby amended to delete the same in its entirety and to substitute therefor the following:

## **SECTION 701      OUTDOOR SIGNS**

### **1.      General Regulations Applying to All Signs**

- a.      Existing Signs: Any sign which lawfully existed and was maintained at the effective date of this Ordinance may be continued, provided such sign is constructed of durable materials and is kept in good condition and repair.
- b.      Determination of Size:
  - 1)      The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between such letters, figures and designs shall be included. When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of which such sign consists shall be considered the area of said sign.
  - 2)      Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size. Structural members and supports required by Building Codes and not bearing advertising matter shall be excluded from the sign area.
  - 3)      The part of a canopy, which does not contain any advertising or promotional material, shall not be included in the area of the sign. The width of the canopy may not exceed the width of the sign by

more than one (1) foot. The highest part of the canopy may not exceed the highest part of the sign by more than three (3) feet.

2. Location/Projection of Signs:

- a. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
- b. For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a Residential District.
- c. No sign may project over a public sidewalk area or over a public highway or street.
- d. No sign shall project more than thirty-five (35) feet above the ground except for an attached sign, which may not project above the roof of the building.
- e. No sign shall be placed within a Pennsylvania Department of Transportation right-of-way without written approval from the Pennsylvania Department of Transportation.

3. Illumination of Signs:

- a. Flashing, rotating and intermittent lights are not permitted.
- b. Signs permitted in Residential and Agricultural Districts shall be illuminated only by indirect lighting and shall not be illuminated between the hours of eleven (11) p.m. and six (6) a.m.
- c. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within one hundred (100) feet or so it does not obstruct the vision of motorists.
- d. Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device or from the center of any street intersection.

4. Miscellaneous General Sign Provisions:

- a. Advertising painted upon or displayed upon a barn or other building or

structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.

- b. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window announcing a sale or similar feature. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.
- c. Buntings and Pennants: Buntings, pennants and similar objects are permitted only in the General Commercial District to announce the opening of a new business or industry or in connection with a civic event and must be removed after thirty (30) days.
- d. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- e. Termination of Enterprise: Upon termination or abandonment of a use, all signs pertaining to the use must be removed.
- f. Traffic signs may be placed only by the State or by the Township.
- g. Advertising signs erected or displayed at recreational facilities such as parks and ballfields owned or operated by Codorus Township shall be exempt from the provisions and regulations of this ordinance; provided, however, that no advertising signs shall be erected or displayed at recreational facilities without the express written permission of Codorus Township.

5. Signs Permitted and Extent of Uses:

Type, Location and Size of Sign-

Type of Sign	Where Permitted	Maximum Size
Traffic	Any District	
Home Occupation or Bed and Breakfast Inn	Any District	9 sq. ft.
Trespassing	Any District	1 sq. ft.
Utility	Any District	2 sq. ft.
For sale, rent, sold and rented	Any District	6 sq. ft.

Work sign of builders, painters and other artisans while performing work on the premises	Any District	6 sq. ft.
Directional	Any District	3 sq. ft.
Identification and information of churches, schools and other nonprofit institutions	Any District	Name on building plus two (2) signs, neither to exceed 40 sq. ft.
Sign for sale of agricultural and horticultural products and for construction projects	Any District	9 sq. ft.
Business, except for agricultural and horticultural products	Any District	<p>A District: Two (2) signs neither to exceed 30 sq. ft. in size.  RR and RS Districts: One (1) sign not to exceed 16 sq. ft. in size.  GC District: One (1) parallel business wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than twelve (12) inches therefrom, is not less than ten (10) feet above the sidewalk and occupies not more than twenty (20%) per cent of the total area of the front of the principal building. In addition, a maximum of two (2) signs, each with a maximum height of twenty (20) feet measured from the ground, with neither sign to exceed one hundred (100) sq. ft. in size.</p> <p>Where the nature of the business and its location require such long-range visibility of signs that the above dimensions are inadequate to reasonably attract business, the max. size may be increased by special exception to the extent necessary to provide reasonable visibility.</p>
Advertising	GC District	150 sq. ft.

Permanent residential development signs, including apartment/townhouse complex signs, at major entrances designed to identify a residential subdivision (no commercial advertising shall be permitted)	RR & RS Districts	Signs shall be designed substantially consistent with the drawing attached at the end of this ordinance as Exhibit A
Political signs	Any district	9 sq. ft.
Temporary sign for special events	Any district	3 sq. ft.

6. Setback of Signs:

- a. Attached Signs  
No portion of an attached sign may extend beyond the building setback line.
- b. Free-Standing Signs  
No portion of a freestanding sign may be erected upon or extended beyond a street right-of-way.

7. Directional Signs:

Every business establishment, service club, church or other nonprofit organization located in the township may request one (1) directional sign from the township which, upon approval, will be located by the township on a township street sign post at a street intersection as requested by the applicant. In the event there is no Township street sign post at the street intersection, or in the event such signpost is within the Pennsylvania Department of Transportation right-of-way, the sign must be placed by the applicant on a post provided by the applicant and approved by the Township, and at a location approved by the Township. The applicant must furnish the township written authorization signed by the owners of the property where the sign will be located stating the period of time for which the authorization is applicable, together with a fee in an amount sufficient to defray the township's cost in procuring the directional sign and placing it on the post with the exact amount of such fee to be established by the Township Board of Supervisors. The township will approve the directional sign only if the installation of such sign will not cause more than three (3) such signs to be located at a single intersection and if the proposed sign location is reasonably likely to be effective in directing traffic to the applicant's place of business or other activity. The township will remove any directional sign if it is determined that the business or other activity on account of which the sign was installed is no longer in operation, or upon expiration of the authorization period. If the sign becomes substantially damaged, the owner of the business or other activity will be given thirty (30) days notice by the township of its intent to remove the sign. If during such thirty (30) day period the owner pays to the township the required fee for a new sign, the sign may be replaced.

Otherwise, the township will remove the sign and the space will become available for another applicant's directional sign.

8. Political Signs:

The owner of the property where any sign is located must remove such sign within thirty (30) days following the election on account of which the sign was placed. There is no limit on the number of such signs.

9. Temporary Signs for Special Events

Only one (1) such sign is permitted. Such sign may remain in place for no more than eight (8) weeks in any calendar year.

78. Section 704(2) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "twenty percent (20%) and to substitute therefor the following: "twenty (20%) percent".

79. Section 709 of the Codorus Township Zoning Ordinance is hereby amended to delete the following word: "nonconfining" and to substitute therefor the following: "nonconforming".

80. Section 904 of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "The Zoning Officer shall provide a form of forms for - -" and to substitute therefor the following: "The Zoning Officer shall provide a form or forms for - -".

81. Section 907(A)(1) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "Section 907(A)" and to substitute therefor the following: "Section 907A".

82. Section 909(4) of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "of not more than" and to substitute therefor the following: "in the amount of".

83. Section 1007 of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

**SECTION 1007 SPECIAL EXCEPTION APPLICATIONS**

1. Special exceptions may be granted or denied by the Board pursuant to express standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board shall pursue the following procedure.
  - a. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.
  - b. Upon receipt of an application for a special exception, the Township secretary shall mail a copy thereof to the Chairman of the Planning Commission for review by the Planning Commission. The Zoning Hearing Board shall not commence a hearing on any application until at least thirty-five (35) days following the submission of the application and shall not complete hearings on the application and shall not complete hearings on the application without receiving an advisory report from the Township Planning Commission; provided, however, if the hearings are completed more than sixty (60) days following the submission of the application, the Zoning Hearing Board may complete the hearing process irrespective of whether the Planning Commission has submitted its report. The report of the Planning Commission may be submitted to the Zoning Hearing Board at a hearing either in writing or by verbal testimony.
  - c. The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgement, the use meets all specific provisions and criteria contained in this Ordinance and the following general provisions.
    - (1) Purpose - The intended purpose of the proposed use must be consistent with the development policies established in the Comprehensive Plan of Codorus Township.
    - (2) Compatibility - The proposed use shall be in the best interest of properties in the general area as well as the Township at large. The proposed use will be reviewed as to its relationship to and effect on

surrounding land uses and existing environmental conditions regarding the pollution of air, land and water; noise; potential of hazards and congestion; illumination and glare; restrictions to natural light and circulation of air.

- (3) Suitability - The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and traffic generation.
- (4) Serviceability - Assurance shall be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal and the ability of the Township to supply such services.
- (5) Accessibility - The proposed use shall:
  - (a) Establish that there is adequate access to the site from the adjacent road or street including adequate site distance and an adequate turning radius so that vehicles of the type expected to enter or to leave the site can do so without entering or being required to cross into the opposite traffic lane when making a right turn.
  - (b) Establish that there is adequate access to the road or street on which the site is located from the nearest collector street or road, including adequate site distance at any intersection between such collector street and the site and adequate turning radii so that vehicles of the type expected to enter or leave the site can do so without being required to cross into the opposite traffic lane when making a right turn.
  - (c) Establish that the expected volume of traffic will not create traffic congestion.
  - (d) Establish that the type and size of vehicles expected to enter the site on a regular basis will not be of such weight as to exceed weight limits on any bridge that will be crossed in reaching the site.
  - (e) Establish that the expected type and size of vehicles will not be such as to cause any township maintained roads to require

substantially more repairs and maintenance than results from existing traffic patterns.

- (6) Conformity - The proposed use shall be in conformance with all applicable requirements of this Ordinance and, where applicable, in accordance with the Codorus Township Subdivision and Land Development Regulations.
  - (7) Agricultural District - In the agricultural district the proposed use shall be located on land of low quality for agricultural use as defined in this ordinance.
  - (8) Water Supply - If the water supply system proposed for the use permitted by special exception involves the utilization of water obtained from the tract being developed, the Zoning Hearing Board shall require that any Feasibility Study required for subdivision or land development plan approval is submitted.
  - (9) The applicant must establish compliance with the drainage requirements of Section 630 of this ordinance.
  - (10) The applicant must establish that the proposed use will comply with the environmental regulations set forth in Section 649 of this ordinance.
  - (11) Sewage - The applicant must establish that adequate provision will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Protection.
- d. The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objective of this Ordinance.
- e. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months following the date of the grant of the special exception or fails to complete the work in the one (1) year next following the issuance of a building permit; excepting that in cases where the grant of a building permit or use certificate must be preceded by Township approval of a subdivision or

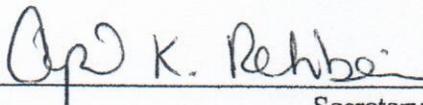
land development plan, the special exception granted by the Board expires if:

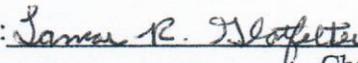
- (1) The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the grant of the special exception; or
- (2) The applicant fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of approval by the Township of the preliminary plan; or
- (3) The applicant fails to obtain a building permit or use certificate within six (6) months next following the date of approval by the Township of the final plan; or
- (4) The applicant fails to complete the work within one (1) year of the issuance of the building permit.

**ORDAINED AND ENACTED** by the Board of Supervisors of Codorus Township, York County, Pennsylvania on the 6<sup>TH</sup> day of AUGUST, 2015.

ATTEST:

CODORUS TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

By:   
Chairman