

ORDINANCE NO. 11-4

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 AND OCTOBER 14, 2009.

**BE IT ORDAINED AND ENACTED** 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 "Sign" and before the definition of "Special Exception" the following:

SOLAR FARM - One or more arrays, collectors or photo voltaic modules which convert sunlight into mechanical or electrical energy in excess of the amounts reasonably utilized on the premises where such facilities are located. Facilities located on the roof of buildings are excluded from this definition. In addition, facilities solely for household use are excluded from this definition provided the highest point of any of such facility is not more than fifteen (15) feet high.

2. Section 302 of the Codorus Township Zoning Ordinance is hereby amended to add after the definition of "Water Distribution Facility, On Lot" the following:

WIND ENERGY CONVERSION SYSTEM - A device or system of components and apparatus which converts wind energy into mechanical or electrical energy.

WIND FARM - Two or more windmills, wind wheels or wind energy conversion

systems which convert wind energy into mechanical or electrical energy in excess of the amount of such energy reasonably utilized on the property where the windmills, wind wheels and wind energy conversion systems are located.

3. Section 503(a)(4) of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

4. All the land proposed to be separated is "land of low quality for agricultural use" as defined in this ordinance and is solely for the location of one or more of the uses described in Section 505, Use Nos. 5, 8, 10, 11, 12, 13, 14, 15, 16, 23, 27, 29, 33, 34, or 35 and is not larger in size than is reasonably necessary for the location of such use or uses.

4. Section 505 of the Codorus Township Zoning Ordinance is hereby amended to delete the following: "Uses described in Nos. 5, 8, 9, 10, 12, 13, 14, 15, 16, 23, 27, and 29 must be located on land of low quality for agricultural use as defined in Section 1007(1)(c) (7) of this ordinance." and to substitute therefor the following:

\* Uses described in numbers 5, 8, 9, 10, 12, 13, 14, 15, 16, 23, 27, 29, 33, 34 and 35 must be located on land of low quality for agricultural use as defined in this ordinance. Each use described in numbers 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 23, 27, 33, 34, and 35 shall reduce the number of dwelling units as set forth by Section 504(1)(a) to be located upon the tract by one.

5. Section 505 of the Codorus Township Zoning Ordinance is hereby amended to add after use 33 the following:

- 34. Solar Farm (see Section 642) [SE]
- 35. Wind Farm (see Section 643) [SE]

6. Sections 610(1), 610(2), 641(a), and 641(b) of the Codorus Township Zoning Ordinance are hereby amended to delete the following "Section 1007(1)(c)(7) of".

7. Section 532 of the Codorus Township Zoning Ordinance is hereby amended to add after use 48 the following:

- 49. Solar Farm (see Section 642) [SE]
- 50. Wind Farm (see Section 643) [SE]

8. Section 619 of the Codorus Township Zoning Ordinance is hereby amended to delete the words "CONVALESCENT HOME" and to substitute therefor the words "HEALTH CARE FACILITIES."

9. Section 642 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 642 SOLAR FARM**

This use is permitted by special exception in the Agricultural and General Commercial Districts subject to the following:

- a. In the Agricultural District the use must be located on land of low quality for agricultural use as defined in this ordinance and any driveway providing access to such use must be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.
- b. All facilities and equipment used in connection with the solar farm must be located at least fifty (50) feet from any dwelling other than a dwelling owned by the owner of the land on which the solar farm is located.
- c. All solar related facilities must be enclosed with a six (6) foot high fence unless otherwise secured.
- d. A fence, hedge or screen planting shall be erected to screen the solar farm from adjacent residential uses. Plant materials used in the screen planting shall be at least four (4) feet in height when planted. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.

- e. Should any solar farm cease to be used the owner or operator or the then owner of the land on which the solar farm is located shall remove all elements of the solar farm within one (1) year from the cessation of operation. Failure to effect such removal shall constitute an authorization for the Township to remove all elements of the solar farm from the property and assess the cost of removal to the owner of the land on which the solar farm is located. Upon the failure of the owner to pay costs of removal within thirty (30) days of notice thereof, the Township may file a municipal lien against such land to recover the cost of removal together with reasonable attorney fees.

10. Section 643 is hereby added to the Codorus Township Zoning Ordinance as follows:

#### **SECTION 643 WIND FARM**

This use is permitted by special exception in the Agricultural and General Commercial Districts subject to the following:

- a. In the Agricultural District the use together with all driveways providing access to such use must be on land of low quality for agricultural use as defined in this ordinance.
- b. The tower location must be at least tower height plus twenty (20) feet from a property line.
- c. The maximum height shall not exceed one hundred ninety (190) feet including the rotor and blades.
- d. All mechanical equipment associated and necessary for operation including buildings for batteries and storage cells must be enclosed with a six (6) foot high fence unless otherwise secured. All supporting towers shall also be enclosed with a six (6) foot fence unless the base of the tower is not climbable for a distance of twelve (12) feet.
- e. A fence, hedge or screen planting shall be erected to screen the wind farm from adjacent residential uses. Plant materials used in the screen planting shall be at least four (4) feet in height when planted. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one

(1) year.

- f. Should any wind farm cease to be used the owner or operator or the then owner of the land on which the wind farm is located shall remove all elements of the solar farm within one (1) year from the cessation of operation. Failure to effect such removal shall constitute an authorization for the Township to remove all elements of the wind farm from the property and assess the cost of removal to the owner of the land on which the wind farm is located. Upon the failure of the owner to pay costs of removal within thirty (30) days of notice thereof, the Township may file a municipal lien against such land to recover the cost of removal together with reasonable attorney fees.

11. Section 644 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 644 WIND ENERGY CONVERSION SYSTEM**

This use is permitted in all zoning districts as an accessory use subject to the following:

- a. The tower location must be at least tower height plus twenty (20) feet from a property line.
- b. The maximum height shall not exceed one hundred ninety (190) feet including the rotor and blades.
- c. The tower and generating unit must be kept in good repair and sound condition as evidenced by an inspection performed at least once every five (5) years by an inspector approved by the Township. Upon abandonment of the use, the tower and related structures shall be dismantled and removed from the property within sixty (60) days. Failure to effect such removal shall constitute an authorization for the Township to remove the tower and related structures from the property and assess the cost of such removal to the owner of the land on which the tower and structures are located. Upon the failure of the owner to pay the cost of removal within thirty (30) days of notice thereof the Township may file a municipal lien against such land to recover the cost of removal together with reasonable attorney fees.

- d. Noise emanating from the use must not exceed sixty (60) decibels measured at the property line.
- e. Only one wind system shall be permitted per property unless the applicant can demonstrate that the energy shall be used for an agricultural or other use existing on the property.

12. Section 905 of the Codorus Township Zoning Ordinance is hereby amended to delete the first sentence thereof and to substitute therefor the following:

No land shall be occupied or changed from one use to another use and no building hereafter erected, constructed, altered or extended shall be occupied until an occupancy certificate shall have been issued by the Zoning Officer stating that the building or proposed use fully complies with the provisions of this ordinance, the Township Building Permit Ordinance, and with the Construction Code Ordinance of Codorus Township.

13. Section 905A of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

#### **Section 905A BUILDING PERMITS**

Hereafter no building or structure shall be erected, moved, placed, constructed, enlarged, or removed within the limits of Codorus Township unless (1) a permit to do so shall first be secured in accordance with the provisions of the Township Building Permit Ordinance, all of which provisions are incorporated herein by reference, (2) a permit to do so is secured in accordance with the Construction Code Ordinance of Codorus Township if such permit is required by the provisions of that ordinance, all of which provisions are incorporated herein by reference, and (3) unless such erection, movement, placement, construction, or enlargement is in strict accordance with the application submitted and with the permits issued pursuant to such application, and in accordance with the provisions of the Township Building Permit Ordinance and the Construction Code Ordinance of Codorus Township. Any violation of any provision of the Township Building Permit Ordinance and any violation of the Construction Code Ordinance of Codorus Township shall constitute a violation of this ordinance.

**ENACTED AND ORDAINED** by the Board of Supervisors of Codorus Township, York

County, Pennsylvania on the 13<sup>th</sup> day of JULY, 2011.

ATTEST:

CODORUS TOWNSHIP BOARD  
OF SUPERVISORS

April K. Rehbein  
Secretary

By: Samuel R. Hestfelter  
Chairman

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