

ORDINANCE NO. 2012-02

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, APRIL 8, 2009, OCTOBER 14, 2009 AND JULY 13, 2011.

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 delete the definition of "Kennel or Stable" and to substitute therefor the following:

Kennel - A facility where five (5) or more adult dogs (over six (6) months of age) reside and one or more dogs irrespective of whether such dogs are over six (6) months of age are being utilized for a commercial purpose such as being boarded, held for sale or used for breeding.

2. Section 504(1)(d) of the Codorus Township Zoning Ordinance is hereby amended to delete subsections (1), (2) and (3) and to substitute therefor the following:

(1) In the event two or more parcels are in common ownership and are contiguous to one another, the owners may transfer the right to construct or erect dwelling units as provided by Section 504(1) (a) of this ordinance from one parcel to another owned by them provided the resulting single family dwelling units are located on lots which, when considered as a part of the combined parcel, consist in their entirety either of land of low quality for agricultural use as defined in this ordinance or of land which is less desirable for agricultural use than any land on which a single family dwelling lot could feasibly be located on the transferor parcel.

- (2) In the event the owners of a parcel propose a lot on which a new dwelling or other use required by Section 505 to utilize one of the parcel's allocation of dwelling units is to be located utilizing one of the rights allocated to such parcel by Section 504(1)(a) of this ordinance and propose that the lot be larger than that permitted by Section 504(1)(c) of this ordinance, such lot may be approved providing:
- (a) one additional right to construct or erect a dwelling as allocated by Section 504(1)(a) of this ordinance to the parcel on which the lot is proposed to be located is assigned to such lot and retired so as not to be available for transfer or reassignment or to create the location of a dwelling unit, for each three (3) acres or part thereof by which the proposed lot exceeds the lot size permitted by Section 504(1)(c) of this ordinance; or
  - (b) one right to construct or erect a dwelling as allocated by Section 504(1)(a) of this ordinance is transferred from another parcel to such lot for each three (3) acres or part thereof by which the proposed lot exceeds the lot size permitted by Section 504(1)(c) of this ordinance; and
  - (c) the land forming the addition to the proposed lot consists in its entirety of land of low quality for agricultural use as defined in this ordinance.

Upon transfer, any transferred rights shall be retired and shall not be available for re-transfer or to create the location of a dwelling unit.

- (3) In the event the owners of a parcel intend to create a lot which is proposed to be added to and merged with a lot or parcel,
- (a) which is presently improved with a dwelling or other use required by Section 505 to utilize one of the parcel's allocation of dwelling units; or
  - (b) which is presently unimproved but which has available to it the right to construct or erect at least one dwelling or other use requiring utilization of one of the parcel's allocation of dwelling units pursuant to the provisions of Section 504(1)(a) of this ordinance,

and the size of the parcel following the merger will be larger than the lot size permitted for a new dwelling by Section 504(1)( c) of this ordinance, such lot may be approved provided:

- (i) one right to construct or erect a dwelling as allocated, by Section 504(1)(a) to the parcel on which the lot addition is proposed to be located is assigned to such lot and retired so as not to be available for transfer or reassignment or to create the location of a dwelling unit for each three (3) acres or part thereof by which the proposed lot when combined with the existing lot will exceed the lot size permitted a new dwelling lot by Section 504(1)( c) of this ordinance; or
- (ii) one right to construct or erect a dwelling as allocated by Section 504(1)(a) is transferred from another parcel for each three (3) acres or part thereof by which the proposed lot when combined with the existing lot will exceed the lot size permitted a new dwelling lot by Section 504(1)( c) of this ordinance; and
- (iii) the land forming the addition to the proposed existing parcel or lot consists in its entirety of land of low quality for agricultural use as defined in this ordinance.

Upon transfer, the transferred rights shall be retired and shall not be available for re-transfer or to create the location of a dwelling unit.

3. Section 505 of the Codorus Township Zoning Ordinance is hereby amended to amend the table of uses by deleting use number 9 and substituting therefor the following: "Kennel (see Section 646)."

4. Section 512 of the Codorus Township Zoning Ordinance is hereby amended to delete from the schedule of uses the following: "20. Raising and Keeping of Livestock) (See Section 642) P" and to substitute therefor the following:

26. Raising and Keeping of Livestock (See Section 645) P

5. Section 523 of the Codorus Township Zoning Ordinance is hereby amended to delete from the schedule of uses the following: “25. Raising and Keeping of Livestock ( See Section 642) P” and to substitute therefor the following:

35. Raising and Keeping of Livestock ( See Section 645) P

6. Section 523 of the Codorus Township Zoning Ordinance is hereby amended to add to the schedule of uses the following:

36. Open Space Development (See Section 625) P

7. Section 625 of the Codorus Township Zoning Ordinance is hereby amended to delete the table at the end of the section and to substitute therefor the following:

**DENSITY DETERMINATION**

<b>HOUSING TYPES</b>	<b>MINIMUM LOT AREA PER UNIT (ft<sup>2</sup>)</b>	<b>UNITY DENSITY FACTOR (unit/acre)</b>
Single family dwelling	7500	2.9
Single family semi-detached per building	11250	3.9
Single family semi-detached dwelling per dwelling unit	5625	3.9
Multi-family dwelling per dwelling unit	4875	4.47

**EXAMPLES**

SCENARIO [120 acres, 100 developable acres, 72 building acres (60% of 120 = 72)]

HOUSING COMBINATIONS	PROPOSED NUMBER OF UNITS
1) 100% single family dwelling units	290
2) 100% single family semi-detached units	390
3) 100% multi-family units	NOT PERMITTED
4) 50% single family dwelling units 50% single family semi-detached units total	145 195 340
5) 50% single family semi-detached units 50% multi-family units total	195 (223 reduced to 50% of total)= 195 390
6) 30% single family units 30% single family semi-detached 40% multi-family units total	87 117 178 382

8. Section 641 of the Codorus Township Zoning Ordinance is hereby amended to delete the same in its entirety and to substitute therefor the following:

**SECTION 641 CEMETERY**

Cemetery is a permitted use in the Rural Residential District and permitted as an accessory use to a house of worship in all districts subject to the following:

- a. In the Agricultural District the use must be on land of low quality for agricultural use as defined in this Ordinance;
- b. Existing cemeteries in the Agricultural District shall be permitted to expand onto adjacent land without limitation utilizing land of low quality for agricultural use as defined in this Ordinance. Expansion onto other land within the Agricultural District shall not be permitted except that if the cemetery does not adjoin land of low quality for agricultural

use, expansion onto land other than that of low quality for agricultural use shall be permitted but shall be limited to thirty-five percent (35%) of the land devoted to the cemetery use on December 7, 1974.

9. Section 645 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 645 RAISING AND KEEPING OF LIVESTOCK**

This shall be prohibited in every district on lots less than one and one-half (1½) acres in size.

10. Section 646 is hereby added to the Codorus Township Zoning Ordinance as follows:

**SECTION 646 KENNEL**

In passing upon a special exception application for the establishment of a kennel, the Zoning Hearing Board must require that the applicant establish that:

- a. The kennel will be located at least one thousand (1000) feet away from any dwelling owned by someone other than the owner of the kennel;
- b. The kennel shall not at any one time have present more than fifteen (15) dogs over six (6) months of age nor more than forty-five (45) dogs of any age.
- c. The owner or operator of the facility shall insure that the facility does not become a nuisance to the community because of unreasonable barking or making of noise by dogs residing in such facility. Dog barking shall be considered unreasonable if such barking or noise is audible by residents of dwellings in the township not owned by the owner of the kennel and extends continuously or virtually continuously for more than two periods in excess of fifteen (15) minutes each within any twenty-four hour period;
- d. The owner or operator of the kennel shall establish screening around the facility when it is reasonably possible to do so and when such

screening will be helpful in minimizing transfer of noise to nearby residents and/or will reduce the visibility of the facility from nearby dwellings and adjacent yard areas; and

- e. The owner or operator of the facility shall comply with all state and federal regulations applicable to the facility.

**ENACTED AND ORDAINED** by the Board of Supervisors of Codorus Township,  
York County, Pennsylvania on the 14<sup>TH</sup> day of NOVEMBER, 2012.

ATTEST:

CODORUS TOWNSHIP  
BOARD OF SUPERVISORS

Opis K. Rehber  
Secretary

By: Lamar R. Slateter  
Chairman