

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION MINUTES
December 11th, 2023**

The Dover Township Board of Supervisors Work Session for Monday, December 11th, 2023, was called to order at 5:59 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisors present were Chuck Richards, Stephen Parthree, Robert Stone, and Michael Cashman. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; John McLucas, Planning Director; Michael Fleming, Public Works Director; Terry Myers, Township Engineer; Cory McCoy, CS Davidson, Charlie Rausch, Township Solicitor; Christian Miller, MPL Law Firm, and Brooke Scarce, Township Secretary. There were 5 members of the public present.

This meeting is being recorded for the purpose of minutes only.

ZONING ORDINANCE UPDATE

J. McLucas stated that there are 13 parts to the Zoning Ordinance. He would like to go through all the parts with the exception of parts 2, 4, 6, and 8 because there are less modifications to those parts. In part 1, there were some slight changes with the language to direct readers back to the Zoning Map. In part 3, the only real change is eliminating the shallow resource recovery overlay, there is other language within the ordinance that identifies quarries and mineral development.

C. Rausch stated that the overlay map has also been removed.

J. McLucas stated part 5 is supplementary regulations, and lot standards. The most significant change to this section was cleaning up some language on accessory structures, where they should be allowed and what parameters they have to meet if we were to allow them within a front yard, etc. Often, there are times when people want to put fences within the right of ways or easements, this would allow for avenues for them to get authorizations from the necessary parties to make the process smoother. Another significant change in this section was language associated with rear setbacks for porches, patios, or decks. There was drainage language that was removed as it was a better fit to enforce through the Stormwater Management Ordinance.

M. Cashman stated that he has had conversations with John about how to control Airbnb's or short-term rentals.

J. McLucas stated that was one change made, the apartments where there are living quarters shall not be permitted in accessory structures except as provided in part 6.

J. McLucas stated that part 7 covers parking, there have been updates to the uses that they have looked at over the years. Residential dwellings have been allowed to consider a parking space in the driveway but also inside the garage, once the new ordinance takes effect, new homes will have to provide two spaces within the driveway itself. Prior to Moove In Self Storage there was not a need for enclosed storage facility regulations so this part points out that there must be one parking space for every 2,500 square foot for a wholly enclosed storage facility. The gross vehicle weight for trucks parking in residential zoned areas is being increased to 20,000 pounds.

S. Stefanowicz stated according to the State, if the gross vehicle weight is over 18,000 pounds, those vehicles have different requirements.

J. McLucas stated that this is specifically for construction-related equipment over a certain weight.

J. McLucas stated that there were no changes to parts 9, 10, 11, 12, and 13. With the comprehensive plan, there was a shift in the growth boundary of some commercial land along Harmony Grove Road and Carlisle Road. There was a discrepancy with some of the properties on Alta Vista Road and Fox Run Road. Some of the residential lots on those two roads were zoned commercial but will get changed back to R3. We are also recommending the Weiglestown Elementary School and the Friendship Community Church will be rezoned to commercial.

C. Rausch stated that the Zoning Map update should be treated as a rewrite. If it is not treated as a rewrite, each of the properties that are being rezoned would need to be posted separately.

S. Stefanowicz questioned if the property owners are aware of their properties being rezoned.

J. McLucas stated that the planning commission has been made aware of the zoning change.

J. McLucas stated that Parts 2, 4, and 6 are all connected. Part 2 is all of the definitions, Part 4 is district regulations, and Part 6 is standards for uses. There was a change to the area regulation which was the crossroad village overlay. The villages were always treated as their own carve out of the zoning district, now it will still have those same allowed uses but will also include the underlying zone. A new use chart will also be incorporated which is basically a snapshot of every use, every zone, where it's permitted, and how it's permitted.

S. Stefanowicz asked for better clarification of what the letter P and SE mean on the chart.

J. McLucas explained that the P means that the use is permitted by right with only the need for a building or zoning permit depending on what they would like to build or do at the property. The SE requires the resident to go to the Zoning Hearing Board for a special exception. In order to be granted a special exception they have to offer evidence showing that they can meet all the current requirements as outlined in the ordinance.

S. Stefanowicz questioned if a resident would be able to have a convenience store in an agricultural zoned area.

J. McLucas stated it would not be permitted but they could apply for variance and produce some sort of hardship as to why they could not put a convenience store somewhere else. If the building is already there they are allowed to continue to keep operating and if the property owner chooses to make a substantial expansion there are parameters, they will have to meet the nonconformity regulations.

J. McLucas pointed out and reviewed some of the uses on the chart that was provided to all the Board members.

R. Stone questioned if property owners would have issues selling their single-family dwellings that are in the commercial district.

J. McLucas stated they will not have any issues selling their home, however if they were to turn the house into a hair salon, they would not be able to go back to a single-family home. It would have to stay as a commercial use. There is now an adaptive reuse section which allows you to convert a commercial building with significant architectural features and add dwelling units inside of the commercial zone if the property or building is sitting vacant.

J. McLucas stated that if the Board does not have any more questions or concerns with the previous sections that were discussed, he would like to get the Board's input on solar and signage.

S. Stefanowicz questioned what the objective is for the meeting tonight.

J. McLucas stated that if the Board has had enough time to review everything and is okay with all the changes being made, he would make the necessary changes so the ordinance. Then it could be submitted to the York County Planning Commission for review followed by the advertisement of the ordinance for the public to review and a public hearing prior to adoption.

J. McLucas stated that when the existing solar section of the ordinance was created there was not a model ordinance provided by York County. The draft that the Board currently has is a merged copy of what the Township standards are combined with County language. The Planning Commission's recommendation was to allow solar farms solely within the Industrial District by special exception. Last month, the Board had discussed what zones they wanted to allow solar farms in, the consensus of the Board was to allow solar farms in Industrial, Commercial, Agriculture, and R1. The request from the public was to only allow a certain percentage of the parcel to be covered with solar panels. After some discussion with the solicitor, the current minimum lot size is 25 acres which means if the Board would elect a certain percentage the minimum lot size would just essentially be increased.

M. Cashman questioned that if they allow solar farms in the agriculture zone, can there be language added about the different soil types.

S. Stefanowicz stated that the suggestion was that solar panels would only be allowed on soil classes 4, 5, and 6.

C. Rausch stated that equipment is not currently allowed on prime soils at all.

J. McLucas stated that the current ordinance does not include that provision, but the revised ordinance does have language stating that solar panels and the equipment associated with the panels are only allowed in agricultural zoned districts if the soil type is class 4, 5, or 6.

M. Cashman questioned what is the likelihood that there's a farm with two different soil classes.

C. Richards stated that it does happen. There are some farms where there is a different soil class at two different ends of the field.

J. McLucas stated he would recommend an agricultural type of fence rather than 8-foot chain link fence. He would also recommend screening the entire way around.

M. Cashman questioned if there could be better clarification for the screening as to how tall the plants are going to be, and which plants will be allowed.

J. McLucas stated that his recommendation is to remove the language about required viewpoints because the screening would have to meet the standards of the land development ordinance, and type 3 screening could be required within the revision.

M. Cashman questioned what the difference is between agricultural security districts versus agricultural preservation.

J. McLucas stated Pennsylvania restricts placing any utility scale solar on a preserved farm but that does not prohibit solar installation on an agricultural security area. Agricultural security is completed at the local level which is usually the first step toward getting a farm enrolled into agriculture preservation.

J. McLucas requested the Board's desire to add a percentage of a parcel of land to only be dedicated to solar panels.

C. Richards stated that he does not agree with restricting property owners as to what they can do with their land. He does not agree with adding a percentage of the land to be dedicated towards solar panels.

J. McLucas summarized his understanding of the discussion from the Board thus far as the consensus being fine with the model language from the County incorporated with the current draft ordinance. However, he will need to add screening around the entire use, and solar farms will be allowed in the same zones as they are presently: Industrial, Commercial, Agriculture, and R1.

C. Richards stated that his property is the only R1 zone left, and he will not be adding any solar panels to his property.

The consensus of the Board was to remove the R1 zone from the ordinance and only allow solar farms in the following zones: Industrial, Commercial, and Agriculture.

J. McLucas stated that from his understanding, the Board would also like to prohibit solar farms on land that is in agricultural security.

M. Cashman questioned if the Board would like to change the lot minimum.

J. McLucas stated that the current lot minimum is 25 acres or a minimum of 5 acres if they are contiguous. Even if they are contiguous, the minimum total would still have to be 25 acres.

C. Richards stated that he does not agree with any percentages, landowners should be able to do whatever they want with their land.

The consensus of the Board was to leave the minimum acreage at 25 acres and not include any type of percentages.

J. McLucas questioned what the consensus of the Board regarding fencing was. He agrees with the Board on changing the fencing type to not exclusively require a chain link fence, but to not require any fencing will require direction from them.

T. Myers stated that the fencing would be inside of the screening.

J. McLucas stated that he can incorporate changes about the fencing and send it back to the Board for their review. They still need to discuss signage but that will be at a later date.

With no further discussion on this matter, Chairperson Stephen Stefanowicz adjourned the Work Session at 7:07 PM to be followed by the regular Board of Supervisors meeting at 7:13 PM.

Respectfully submitted by: *Brooke M. Scarce*

Brooke M. Scarce, Township Secretary