

### PLANNING COMMISSION

April 17, 2024

**YCPC Project # 24-005** 

Mr. John McLucas Dover Township 2480 West Canal Road Dover, PA 17315

Mary E. Coble Chairman Re: Dover Township Zoning Ordinance Amendment Comprehensive Update

Sean P. Kenny Vice Chairman

Dear Mr. McLucas:

Matthew Chronister Secretary

The above referenced matter was reviewed by the York County Planning Commission at its regular meeting held on Tuesday, April 16, 2024.

James J. Morris
Treasurer

By formal action the Commission adopted the attached report as constituting its comments on this matter in accordance with Section 607(e) of the Pennsylvania Municipalities Planning Code.

Brian Brenneman

You are reminded that the Pennsylvania Municipalities Planning Code requires the submission of a copy of any adopted municipal Zoning Ordinance, Subdivision and Land Development Ordinance, Comprehensive Plan or any amendments to such documents to the York County Planning Commission within thirty days (30) days following the date of adoption.

Thomas W. Earp

David Gonzalez

Very truly yours,

Walter A. Kuhl

Bruce Miller

Felicia S. Dell Director Felicia S. Dell, AICP Director of Planning

Jeffrey L. Rehmeyer II Solicitor FSD/ss Enc. cc:

EQUAL OPPORTUNITY EMPLOYER

# YCPC PROJECT 24-005 DOVER TOWNSHIP ZONING ORDINANCE AMENDMENT Text and Map: Comprehensive Update

#### **PROJECT DESCRIPTION:**

The purpose of this project is to review and comment on a proposal by Dover Township to amend the Dover Township Zoning Ordinance (Chapter 27) by updating several sections throughout the ordinance and by making several changes to the Dover Township Zoning Map (see #3 and the attached maps). The proposed amendment is being submitted for recommendations in accordance with Section 607(e) of the Pennsylvania Municipalities, Planning Code (PA MPC).

#### **PROJECT DISCUSSION:**

Dover Township officials propose to amend **Zoning Ordinance**, as follows (text proposed to be removed is represented with a strikethrough; text proposed to be added is represented with "bold and italicized text in quotations"):

1. Part 1, Short Title, Purpose, Community Development Objectives and Authority, is being amended, as follows

**Section 27-101, Short Title**, is being amended, as follows:

These regulations shall be known and may be cited as the "Dover Township Zoning Ordinance" "and the Zoning Map referred to herein and adopted as part of this Chapter shall be known as the "Dover Township Zoning Map"."

Section 27-102, Purposes of Chapter, Subsection G., is being amended, as follows:

The regulations in this chapter have been promulgated with the purpose of promoting, protecting, and facilitating:

G. The public health, safety, morals and general welfare.

Section 27-103., Community Development Objectives, is being amended by adding Number 10., as follows:

"10. To provide citizens and prospective developers with a clear understanding of the Township's land use decision making process and to encourage citizen participation in the land use decision making process."

Section 27-105, is being added, as follows:

"27-105., Conflicting Provisions.

- 1. Where a provision of this Chapter is found to be in conflict with a provision of any land use ordinance or code, applicable health, building, housing, or safety regulation, or any other ordinance, resolution, or regulation, on or after the effective date of this Chapter, the provision which establishes the more restrictive standard for protection of health, safety, and welfare of the people shall prevail."
- 2. Part 2, Definitions of Terms, is being amended, as follows:

"<u>Adaptive reuse</u> – Applies to structures not initially designed for permanent residential use and former public, semipublic and other large buildings (including schools, churches, armories, and other civic structures) which lie within a permitted Zoning District within the Township with the express purpose of encouraging the adaptive and flexible reuse of such buildings."

<u>Agricultural operation</u> - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. "Such operations shall also include vineyards, orchards, fruit farms, tree farms, etc."

<u>Animal day care</u> – A facility that cares for domestic animals *"pets"* for less than twelve (12) consecutive hours in the absence of the pet's owner or a facility that provides training for domestic animals with or without the facility owner receiving compensation for such services. Animal day cares do not include medical or surgical treatment or overnight boarding facilities.

"Animal grooming facility – A retail establishment that provides bathing, trimming, and grooming services for small domestic animals on a commercial basis. An animal grooming facility does not include medical or surgical treatment or overnight boarding facilities."

"Art gallery – A structure, or part thereof, devoted to the exhibition of visual works of fine art. Art galleries generally include accessory services, such as the sale or purchase of displayed works, custom framing, or encasement of art works and services related to art appraisal, display, preservation, or restoration."

"Bedroom - A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. A bedroom will have at least one egress window and closet(s) and is physically separate from other rooms."

"Brewery- A manufacturing operation involved in the making, bottling, and distribution of beer."

Bus or truck maintenance facility is being removed from the list of definitions.

"Car wash - The carwash land use classification includes the related facilities and operations listed below."

"<u>Car wash, automatic</u> – A structure where chains, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles."

"<u>Car wash, self-service</u> – A structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices."

"<u>Catering facility</u> – A location that prepares food for delivery and consumption at a remote site. Catering operations, when authorized, may sometimes be located in conjunction with an events venue. As a land use classification, catering only includes food preparation."

College/University, Commercial School, and Common Open Space is being removed from the list of definitions.

"Cryptocurrency mining factory – The operation of specialized computer equipment for the purpose of mining one (1) or more blockchain-based cryptocurrencies, such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the

exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers."

"<u>Distillery</u> – A manufacturing establishment whose principal use is for distilling, bottling, and distributing alcoholic liquors."

"<u>Distribution center</u> – A center for a set of products in a warehouse or other specialized building, often with refrigeration or air conditioning, which is stocked with products or goods to be redistributed to retailers, to wholesalers, or directly to consumers. A distribution center is a principal part, the order processing element, of the entire order fulfillment process."

"<u>Drive-through service facility</u> – an accessory use to a commercial place or facility where one can be served without leaving their vehicle, usually by window service or ordering lane."

Land development – is being amended by revising Subsection 2.(d) of the definition, as follows:

(d) Expansion of an existing principal structure; up to 35% of the existing gross floor area of the building as it existed on the date of this amendment "or any subsequently approved land development plan(s);" or to a cumulative total gross floor area of 20,000 square feet, whichever is the lesser.

Landscape service center, retail and Landscape service center, wholesale is being removed from the list of definitions and is being addressed by the current definition for <u>Garden Center</u>.

<u>Manufacturing</u> - uses that involve the primary production or refining of commodities from raw materials. "Such uses shall include a Distillery & Brewery as defined by this Part."

"Medical marijuana – Marijuana for certified medical use as set forth in the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16)."

"Medical marijuana dispensary – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana per the Medical Marijuana Act (Act 16, Pennsylvania Law 84, No. 16)."

"Medical marijuana grower/processor – The use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and/or process medical marijuana into a further refined agricultural product."

"<u>Micro-brewery/brew pub</u> – A small, usually independent brewery/tavern that produces limited quantities of specialized beers. A micro-brewery provides for the retail sales of the beer at the location where it is produced. A micro-brewery may also include a tasting room and restaurant in conjunction with the use."

"<u>Micro-distillery</u> – A small, often boutique-style distillery/tavern established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single or small batches. A micro-distillery provides for the retail sales of the distilled beverage at the location where beverages are distilled. A micro-distillery may also include a tasting room and restaurant in conjunction with the use."

"<u>Mineral development</u> – Mineral development is a broad land use classification that includes the operations and procurement of minerals."

"Natural gas compressor station – A facility designed and constructed to compress natural gas that originates from a natural gas well or collection of such well operating as a midstream facility for delivery of natural gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one (1) or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment."

"Natural gas processing plant – A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil, or naturally occurring liquids from natural gas."

<u>Open space</u>, "common" - any parcel or area of land or water essentially unimproved and set aside, dedicated, or designated for public or private use of enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space.

"<u>Overlay</u> – additional zoning that is laid on top of two or more zoning districts to introduce new standards or regulations."

"Recycling business – A business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or (3) obtaining or storing ferrous or nonferrous metals."

"Retail services - establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, finance, real estate and insurance, "theaters for" motion pictures "or theatrical productions such as plays or musicals", amusement and recreation services, health, educational, and social services, museums, and galleries but not including commercial recreational facilities.

<u>School, private</u> - an educational institution owned and operated by a private entity offering a curriculum approved by the State. "This includes colleges & universities."

Self-storage facility and Short-term rental are being removed from the list of definitions.

Sign – any object, device, display or structure or part thereof which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "This term includes:

- A. Lettering, logos, trademarks, and other symbols that are an integral part of the architectural design of a building which are applied to a building or which are located elsewhere on the premises;
- B. Signs that are affixed to windows or glass doors or are otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building;
- C. Banners, streamers, pennants, spinners, reflectors, tinsel, and similar objects; and inflatable objects.
- D. This term shall not include:
  - 1) Architectural features that may be identified with a particular business;
  - 2) Backlit awnings that include no lettering, logos, or other symbols;
  - 3) Signs within a building that are obviously intended to be seen primarily from within the building;
  - 4) Outdoor signs intended for use within a property, such as menu signs for fast-food restaurant drive-through lanes, and directional signs;
  - 5) Signs with regulations within a park;

- 6) Building identification signs within a campus;
- 7) Flags of governments or government agencies;
- 8) Decorative seasonal and holiday banners;
- 9) Display of merchandise either behind store windows or outdoors.
- 10) Flags and insignia of civic, charitable, religious, fraternal, patriotic, and similar organizations; and
- 11) Insignia of governments and government agencies."

In addition, a Sign Types Diagram is being added to this definition and Billboard and Canopy Sign are also being added.

Tavern (bar, pub, sports bar, saloon, night-club, cocktail lounge, "micro-brewery, micro-distillery") - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

Vineyard and Winery are being removed from the list of definitions.

The reference to solar farm, solar energy facilities, and solar are being deleted from the definition of <u>Wind and energy-related uses</u>.

"Winery, retail - a manufacturing facility or establishment engaged in the processing of fruit to produce wine or wine-like beverages. A retail winery provides for the retail sales of the wine at the location where it is produced. A winery may also include a tasting room and restaurant in conjunction with the use."

"Winery, vineyard – An area devoted to the growing of grapes or other fruit and the process of fermenting the product into wine. Wineries shall also include the structures or areas provided for the tasting or sale of the wine so long as such areas are on the same site as the products grown."

3. Part 3 – Zoning Districts, Map, Boundaries, Section 27-301, Establishment of Zones, is being amended by removing the Shallow Resource Recovery Overlay (SRR) from the list of districts and the Zoning Map. The abbreviation for the Crossroad Village Overlay District is being changed from CVO to "CRV". In addition, the Dover Township Zoning Map is being amended by revising/rezoning three (3) "areas" as shown on the attached maps.

The **Overview Map** shows the location of the three (3) areas proposed to be revised/rezoned.

Zoning Map Number 1 shows the area of the Shallow Resource Recovery Overlay, which is being removed.

**Zoning Map Number 2** shows Parcel 24-KF-46.D to be rezoned from Agricultural (A) to Commercial (C) and a portion of Parcel 24-KF-45, located north of the Texas Eastern Pipeline, to be rezoned from High Density Residential (R-4) to Commercial (C).

Zoning Map Number 3 shows two parcels located on the west side of Fox Run Road, Parcel 24-KG-157.A and Parcel 24-JG-72.A, being rezoned from Medium Density Residential (R-3) to Commercial (C). Map 3 also shows a group of residential parcels on the east side of Fox Run Road being rezoned from Commercial (C) to Medium Density Residential (R-3). The parcels involved in this rezoning are identified as: 24-27-1.A; 24-27-1; 24-27-2; 24-27-3; 24-27-04; 24-27-5; 24-27-6; 24-27-7; 24-27-8; 24-27-9; 24-27-20; 24-27-21; 24-27-22; 24-27-23; 24-27-27; 24-27-28; 24-03-72.A; and 24-03-74.

**4. Part 4, District Regulations,** is being amended by removing the lists of uses from each district section and by creating a "use chart" including all uses and which district(s) the specific uses are permitted by right, by special exception, or not permitted. In addition, the following amendments are proposed to this Part 4:

Section 27-404, V- Village District, Subsection 2., Bulk and Area Regulations, Subsection B., Nonresidential Uses, Subparagraph (5), Maximum Lot Coverage, is being amended by changing the lot coverage requirement from 35% to "60%".

Section 27-404, V- Village District, Subsection 6., is being added, as follows:

"6. Access. All uses shall have primary access from an arterial and/or collector roadway."

Section 27-415., Crossroads Village Overlay District, Subsection 2., Bulk and Area Regulations, Subsection B., Nonresidential Uses, Subparagraph (1)(c), Maximum Height, is being amended by changing the maximum height from 35 feet to '45 feet".

Section 27-415, Crossroads Village Overlay District, Subsection 9., is being added, as follows:

- "9. Access. All uses shall have primary access from an arterial and/or collector roadway."
- **5. Part 5., Supplementary Regulations,** is being amended, as follows:

Section 27-502., Accessory Uses, Structures and Buildings, Subsection 1., Accessory Structures, Subparagraph G., is being amended as follows:

- G. An accessory structure/building, standing apart from the principal structure, is "shall be" permitted in any yard area "only in the side or rear yard area"; however, in no case shall the structure/building be permitted within the minimum front building setbackyard area, with the exception that of the following: barn "accessory" buildings "shall be permitted in the front yard area" in the A and CV Districts "and on corner lots in residential districts" in accordance with applicable district setback requirements.; and corner lots in residential districts (See § 27-503.C.(2)(c)). Apartments or other living quarters shall not be permitted in an accessory structure/building, except as provided for in §27-603 "Part 6" in applicable districts.
  - (1) An accessory structure (permanent or temporary) may be erected within one of the side yards or within the rear yard provided it is at least 5 feet from the property line.
    - (a) No accessory structure is "shall be" located in any easement or right-of-way "unless written authorization is provided by the utility or authorized party."

Section 27-502., Accessory Uses, Structures and Buildings, Subsection 3., Satellite Earth Station Antenna (Dish), Subparagraphs A. and B., are being deleted in their entirety.

**Section 27-503., Lot Standards, Subsection C., Setback Modifications, Subparagraph (5),** is being amended, as follows:

(5) Porches or patios, whether covered or not, shall be considered part of the main building and shall not project into any "front or side" building setback area. "Uncovered porches, decks, patios, or awnings, attached to the principal structure, may be located not closer than ten feet to a rear property line. Covered or enclosed porches, patios, & decks shall adhere to principal building setbacks."

Section 27-503., Lot Standards, Subsection C., Setback Modifications, Subparagraph (7), Outdoor Stockpiling or Storage, letter (e), is being amended, as follows:

(e) A dumpster shall not be permitted on any occupied residential property for longer than 60 days. A dumpster shall not be placed within any road right-of-way in any zone "unless written authorization from

the Township is obtained due to the individual lot size, grade, or other justified constraint. A dumpster located in the front yard area in a zone other than residential shall be fully screened from view."

**Section 27-511, Drainage Upon Streets,** and **Section 27-512., Obstructions to Drainage Prohibited,** are being deleted in their entirety.

Other amendments to this Part 5 include minor text changes and editorial revisions, such as section reference corrections and formatting updates.

**6. Part 6, Specific Standards for Uses,** is being added to the section, as follows:

"Section 27-604., Adaptive reuse.

- 1. Permitted Reuses. Structures determined to meet the criteria of adaptive reuses may be reused for the following purposes by special exception:
  - A. Single-family dwelling.
  - B. Multi-family dwelling.
  - C. Financial Institution
  - D. Private clubs or social halls.
  - E. Day care facilities of all types.
  - F. Civic or cultural building.
  - G. Community/Senior center.
  - H. Other uses as determined appropriate upon recommendation of the Planning Commission and approval of the Zoning Hearing Board.
- 2. Standards for Exterior Alterations. All exterior alterations must be generally consistent with the original structure's architecture and the neighborhood in which it is located.
- 3. Parking shall meet the requirements of Part VII of this ordinance based on the permitted reuses."

All subsequent section numbers after Section 27-604 shall be revised accordingly.

**Section 27-608, Animal Day Care** "/Animal Grooming Facility"., is being amended by adding "Animal Grooming Facility" as part of this section. The following changes are being made to this section:

1. All services and care provided to the animals shall be conducted indoors. "If exterior care is provided, Kennel requirements under this part shall be met."

**Section 27-608, Art Gallery, and Section 27-609, Beverage Distributor & Brewery, are** being deleted in their entirety.

**27-610., Asphalt/Concrete Plant**., is being added, as follows:

"Asphalt/Concrete Plant.

- 1. If materials are to be stored, they shall be screened sufficiently from adjacent properties and the public ROW.
- 2. All permanent batch plants shall have an effective dust collection system approved by the Township.
- 3. The Zoning Hearing Board may require the use of wheel washers or another means of cleaning trucks/vehicles before entering public streets.
- 4. Batch plants shall have an approved sediment pond before wash-out water is discharged into any waterway.

5. The Zoning Hearing Board may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels."

**Section 27-614, Campground or Recreational Vehicle Park,** is being amended by adding a new Subsection 13., as follows:

"13. A Campground/Recreational Vehicle Park shall be permitted within any active agricultural use and must have been in agricultural use for a period of at least two (2) years prior to the filing of an application, regardless of zoning district."

**Section 27-615., Car Wash, automatic & self-service.,** is being added, as follows:

"§ 27-613. Car Wash, automatic & self service.

- 1. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- 2. The definition of a car wash does not include a one-bay washing facility in a service station where washing facilities are purely incidental to the operation.
- 3. A car wash shall provide a minimum of five stacking spaces per washing bay.
- 4. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to ensure that the traffic flow on a public ROW is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public ROW by directing traffic away from the facility by posting a "Temporarily Closed" sign or other means of notification. Traffic studies and associated improvements may be required by the municipality as a condition of approval.
- 5. The car wash shall have direct access to an arterial or collector road or shall have a point of ingress/egress from a public or private street within the lot of a shopping center. The road shall have sufficient capacity to handle traffic generated by the facility.
- 6. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- 7. All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to adjoining lots.
- 8. A car wash that adjoins an existing residential lot shall provide a bufferyard. The bufferyard shall be planted within a combination of deciduous and evergreen trees, shrubs, ornamental grasses, or ground covers. Grass, sod, or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

An automatic car wash shall also meet the standards of a drive-through service facility."

**Sections 27-612.A. through 27-612.G.,** regarding Care Facilities, are being combined into one *"Section 616, Care Facilities:"*, as follows:

27-616.1. Adult Day Care Center

27-616.2. Child Day Care Center - Large

27-616.3. Child Day Care Center – Small

27-616.4. Domiciliary Child Day Care

27-616.5. Domiciliary Adult Care Home

27-616.6. Nursing Care Facility

#### 27-616.7. Personal Care Facility

No amendments are being made to the text in these subsections.

**Section 27-617., Catering facility,** is being added to this Part 6, as follows:

#### "27-613. Catering facility.

- 1. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- 3. No outdoor loading or service areas, shall be located within the side or rear yard setback areas."

Section 614, College/University, and Section 27-615., Commercial School, are being deleted in their entirety.

Section 621., Convalescent/Nursing Home/Large Personal Care Facility, is being deleted in its entirety.

Section 27-625, Cryptocurrency Mining Factory, is being added to Part 6, as follows:

#### "27-625. Cryptocurrency Mining Factory.

- 1. Cryptocurrency mining factories shall not be adjacent to a Residential Zoning District or use (excluding roads and other ROWs) or within 75 feet from a residential property boundary or a Residential Zoning District.
- 2. Verification must be provided that all electronic waste generated at the cryptocurrency mining operation will be handled by an electronic waste recycling firm."

**Section 27-626., Drive-Through Service Facility,** is being amended by deleting the current text and replacing it with the following:

#### "27-626. Drive-Through Service Facility

- 1. A drive-through shall be permitted as an accessory use to any new or lawfully existing commercial establishment such as a bank, restaurant, or retail establishment subject to the following applicable requirements:
  - A. All drive-through window lanes shall be separated from the parking lot's interior driveways and parking spaces.
  - B. Any exterior speaker/microphone system and/or menu board shall be arranged and/or screened to prevent objectionable noise and/or light impact on adjoining properties.
  - C. A 20' bufferyard shall be provided when the drive-through window service or menu board is directly adjacent to a residential use.
  - D. Sufficient stacking lanes shall be provided to prevent vehicle backups on adjoining roads or adversely impacting internal parking lot circulation.
  - E. Sufficient temporary parking spaces needed to accommodate the queue for the drive-through shall be added in addition to the required number of parking spaces for the principal use.

- F. Multiple lanes: Where parallel lanes for additional windows or menu boards are proposed, additional stacking in the window lane shall be provided at two additional vehicles for each window/menu board. Each lane where the window/menu board is located shall meet the minimum width.
- G. Minimum width: The approach, required stacking area, and drive-through lane shall be no less than 12 feet."

Section 27-625, Flex Space, and Section 640a, Landscape Service Center, wholesale or retail, are being deleted in their entirety.

Section 27-646, Manufacturing, is being added to Part 6, as follows:

#### "27-646. Manufacturing

- 1. Access shall be via an arterial or collector road as identified in the Dover Township Comprehensive Plan.
- 2. Buffer yards and screening shall be provided as necessary to adequately protect neighboring properties. A buffer yard at least 50 feet wide must be provided on the site in all instances where the site adjoins a residential use or district. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes. Screening shall be provided for the length of the buffer yard in accordance with § 22-721 of the Subdivision and Land Development Ordinance [Chapter 22]."

Section 648, Medical Marijuana Dispensary/Grower/Processor, is being added to Part 6, as follows:

"27-648. Medical Marijuana Dispensary/Grower/Processor.

- 1. The dispensary/grower/processor shall meet the same land use requirements as other commercial facilities that are located in the underlying District.
- 2. A growing/processing facility shall meet the requirements of Greenhouses and Nurseries under this Part.
- 3. A growing/processing facility shall be permitted within any active agricultural use and must have been in agricultural use for a period of at least two (2) years prior to the filing of an application, or an existing and approved greenhouse/nursery in operation regardless of zoning district."

**Section 649., Micro-brewery,** is being added to Part 6, as follows:

"Section 27-649., Micro-brewery.

1. The standards for "Tavern" in this Article shall apply."

"Section 27-650., Micro-distillery.

1. The standards for "Tavern" in this Article shall apply."

**Section 27-651. Mineral Development.**, is being added to Part 6 and includes regulations for mining operations. This new section addresses: providing evidence of compliance with state and federal laws; the description of development, including, character, timing, and duration of the operation; measures to be taken to ensure water quality; transportation; buffers and screening; restoration and reclamation of land; and expansion of said mining operation.

**Section 27-652, Natural Gas Compressor Station,** is being added to Part 6 and includes regulations for natural gas compressor stations. This new section addresses: minimum lot size and location considerations; requirements for the operation of the facility, including, sound-proof walls and architectural elements; access drive and transportation requirements; plans for the transmission gas, water, oil, or other substances to and from the site; possible increased setbacks; the use of electric motors instead of combustion engines; noise standards; and other protective measures to ensure the health, safety and welfare of the residents of Dover Township.

**Section 27-653., Natural Gas Processing Plant,** is being added to Part 6, and includes regulations for natural gas processing plants. This new section addresses: minimum lots size and location considerations; the special exception application requirements; access drive and transportation requirements; ; plans for the transmission gas, water, oil, or other substances to and from the site; possible increased setbacks; the use of electric motors instead of combustion engines; noise standards; Indemnification and express negligence provisions; compliance with all state and federal laws; and other protective measures to ensure the health, safety and welfare of the residents of Dover Township.

**Section 27-643, Night Club**, is being deleted in its entirety.

**Section 27-665a., Principal Solar Energy System (PSES)**, is being re-numbered to *"Section 660"* and is being amended, as follows:

- **§27-660.2.** "A PSES shall be a permitted use by Special Exception in the A-Agricultural District, C-Commercial District, I-Industrial District, R-1 Residential Zoning District subject to the following criteria:"
- §27-660.2.A., regarding eligible parcels in the R-1 District is being deleted. Letter B. will become Letter A., etc.
- §27-660.2.B.(3) "In all cases there shall be a minimum distance of seventy-five (75") feet between adjacent non-participating residential structures "property lines" and any component of the PSES, including fences, buildings, panels, and other equipment."
- §27-660.E., "Screening. The PSES shall be screened "with a Type III screening in accordance with the Subdivision and Land Development Ordinance (SALDO)" from non-participating adjoining residences along the line of sight between any wall of the residence and "parcels along the PSES", unless the affected landowner provides a written waiver of such screening. A PSES shall not be required to be screened from residences that are located on a participating parcel/lot of land or accessory buildings on adjoining properties. No buffering shall be required "from a participating lot", except as provided herein. To the extent possible, existing trees and vegetation shall be retained and incorporated to satisfy any screening requirements."
- §27-660.F.(1) "Maintenance access. Maintenance access shall be required. A ten (10') twenty (20') foot wide area between the fence and all solar panels shall be passable and maintained in an unobstructed condition so as to permit vehicular travel along the interior perimeter of the fence."
- §27-660.H., Design and Construction, Subsection (2) Standards, Subparagraphs (a) through (d) are being added as follows:
  - "(a)PSES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
    - i.) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
    - ii.) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
  - (b) Glint and Glare A PSES shall comply with applicable FAA requirements. Solar panels are required to utilize anti-reflective glare coatings and, to the extent possible, should be oriented to avoid potential glare on adjacent properties and roadways.
  - (c) A PSES shall comply with the Township's noise regulations in the Code of Ordinances

- (d) The PSES owner shall be required to conduct base-line soil testing and additional testing at certain intervals (every 5 to 10 years until removal of the panels) to assure no soil contamination. The PSES shall timely forward a copy of these soil testing reports containing the results to the Township engineer."
- §27-660.H.Design and Construction, Subsection (5), Prohibited Locations, is being amended, as follows: "(5) A PSES shall not be placed within any storm water conveyance system or facility, in any location that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system, provided that collection lines may be placed over or under these features with acceptable vertical clearances or any land subject to an Agricultural Preservation Easement "or within an Agricultural Security Area (ASA)". If a PSES includes land in the Commercial or Industrial districts, then Solar Related Equipment and other accessory structures and buildings shall be located in those districts to the extent feasible.

  Notwithstanding the requirements in Section 27-402 of the Zoning Ordinance, Solar Panels shall be permitted to be located on prime soils. To the extent feasible, Solar-Related Equipment and other accessory structures and buildings shall be placed on lands unsuitable for agricultural use as defined in Section 27-402."
  - "A. The PSES development area is equal to the total acres of land subject to lease by the PSES developer.
  - B. Solar Related Equipment Locations.
  - C. Solar Related Equipment may:
    - (1) Not be located on prime (Class I, II and III) agricultural soils; OR,
    - (2) Only be located on \_10\_% of the PSES development area containing prime soils; OR,
    - (3) Be limited to \_10\_% of the development area containing prime soils, unless the area will be devoted to Agrivoltaic activities, in which case \_5\_% of the prime soils may be included in the development area. Agrivoltaic is the co-development of the same area of land for both solar photovoltaic power and Normal Farming Operations, as defined by P.L. 454, No. 133 (1982).
  - D. For each parcel on which a PSES, or a component of a PSES, is proposed, a map shall be provided by the Applicant detailing the PSES development area, the constrained area of the Class I, II, and III agricultural soils, and the portion of the PSES development that may be devoted to Solar Related Equipment.
  - E. Solar Related Equipment shall only be placed within that portion of any lot that has a defined PSES development area.
  - F. Solar Related Equipment shall not be located in:
    - (1) Floodways, as identified in the FEMA FIRM mapping.
    - (2) Regulated natural and man-made drainage corridors, extending twenty-five (25) feet from the centerline of any such drainage feature, unless the \_\_\_\_\_\_ at time of plan approval determines a lesser setback would create less impacts to the overall project.
    - (3) Wetlands.
    - (4) Riparian buffers extending twenty-five (25) feet from any wetland or body of water, unless the \_\_\_\_\_ at the time of plan approval determines a lesser setback would create less impacts to the overall project.
    - (5) Slopes in excess of fifteen percent (15%), unless the \_\_\_\_\_ at the time of plan approval determines location in an area in excess of 15% would create less impacts to the overall project.
    - (6) Legal easements and rights-of-way.
    - (7) Setback areas.
    - (8) Woodland areas
  - G. An applicant shall locate a Solar Energy System so that tree removal is not required to the extent practical. If the removal of trees is necessary in order to install a PSES, then an applicant shall present a plan demonstrating the necessity to remove trees and how they will be replaced."
- §27-660.I., Fencing/Security/Emergency Management, Subsection (1) is being amended as follows:

  (1) All PSES shall be completely enclosed by a minimum eight (8') foot high fence and gates shall have locks. Fencing shall be of a typical chain link variety "an agricultural type such as welded wire or post and rail fencing"."

- §27-660.J., Lighting, is being amended, as follows:
  - "Lighting. Lighting shall not be permitted except to the extent required for security or by applicable federal, state, or local authority." "Any lighting shall be directed downward so as to minimize negative impacts to adjacent uses."
- §27-660.L., Decommissioning/Removal, Subsection (2) and (3), are being amended, as follows:
  - "(2) Prior to the issuance of a certificate of occupancy "Prior to the issuance of a building permit" for the PSES, the owner shall provide financial security..."
  - "(3) Removal of PSES facilities in decommissioning shall be completed in its entirety prior to the release of any financial security.
    - (a) Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
    - (b) Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
    - (c) Once the PSES is removed, any earth disturbance resulting from the removal shall be graded and seeded in order to re-establish a natural groundcover.
    - (d) The PSES owner shall have twelve (12) months from the cessation or abandonment of the operation of the PSES in which to dismantle and remove the PSES, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, aboveground cabling, electrical, components, roads (unless the landowner requests in writing that the access roads are to remain), foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the Township may complete the decommissioning at the owner's expense, subject to any recovery under the financial security provided in accordance with (b) above. The Township may authorize one twelve (12) month extension of such time for just cause shown by the PSES owner."

Section 648, Public and Private Schools, is being renamed and relocated to Section 27-674, Schools, Public, Private/College/University, and is being amended, as follows:

#### "Section 27-674. Schools, Public/Commercial Private/College/University."

- 1. Religious sectarian and nonsectarian, denominational private or public school or college, which is not conducted as a private gainful business, provided that the following requirements are met:
- A. Minimum Lot Size and Lot Width Requirements.

<u>Use</u>	Minimum Lot Size	Minimum Lot Width
Kindergarten	1 acre	150 feet
Elementary school	3 acres	200 feet
Junior high school		
Middle school	5 acres	250 feet
Senior high school	5 acres	250 feet
"College/University	5 acres	1000 feet"

- B. All outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.
- "2. A college/university shall have a maximum of one (1) vehicular access point to an arterial or collector street per 1,000 feet of street frontage.
- 3. Loading areas shall not be visible from the primary entrance to the development or from neighboring residential properties.
- 4. A traffic impact study is required and shall be reviewed and approved by the municipal engineer.

- 5. The site shall be serviced by public water and public sewer systems.
- 6. The owner and operator of any private school or college/university shall be responsible for the conduct and safety of the students, employees, visitors, faculty, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by students, employees, visitors, faculty, and guests."

**Section 27-657, Self-storage facility,** and **Section 27-659, Shallow Resource Recovery,** are being deleted in their entirety.

**Section 27-661., Tavern,** is being deleted in its entirety, is being re-numbered and renamed, *"Section 677., Tavern/Micro Brewery/Micro-distillery/Nightclub/Winery"*, and is being amended, as follows:

1. The facility shall be licensed in accordance with the requirements of the Commonwealth and any other applicable permitting and regulatory agencies.

#### "2. Setbacks:

- A. The building entry shall not be located closer than 100 feet from a property line of a residential use, nor 150 feet from a property line of an existing house of worship, school, care facility, public building, library, park or playground.
- B. Outdoor seating area(s) shall not be located closer than 100 feet from any property line of a residential use within a residential zone.
- C. Outdoor seating area(s) shall not be located closer than 50 feet from any property line of a residential use in a non-residential zone. Vegetative screening and a noise barrier, such as a privacy fence, shall be provided.
- D. No outdoor entertainment or music is permitted within 150' of a property line of a residential use.
- E. Outdoor seating areas along arterial roads may be located within the front setback area provided they are not closer than 35 feet from the street right of way. Protective barriers shall be installed for any seating area located in front of a building.
- F. Buffer yards and screens shall be designed in accordance with the Dover Township Subdivision and Land Development Ordinance.
- 3. No new customers shall be seated at an outdoor seating area after 10:00 p.m."

Section 27-663, Transportation Terminal, is re-numbered and renamed, "Section 27-678., Transportation Terminal/Trucking Facility". In addition, a new "Subsection 6." is being added, as follows:

"6. Accessory maintenance facilities shall follow the requirements of Vehicle Sales, Service, Repair and/or Body Shop."

Section 663., Vehicle Sales, Service, Repair and/or Body Shop, is being renumbered to "Section 27-679.", and adding a new "Subsection 1.", as follows:

"1. Minimum lot area for vehicle sales shall be 1.5 acres."

All subsequent subsection numbers are being renumbered accordingly.

**Section 27-663a, Vineyard.,** is being deleted in its entirety.

**Section 664., Wholesale Establishment/Warehousing Establishment**, is being re-numbered and renamed to **Section 680., Wholesale Establishment/Warehousing Establishment/Distribution Center"**.

Section 27-665a, Winery, is being deleted in its entirety and is being replaced, as follows:

"Section 27-682., Winery, retail.

- 1. The standards for "Tavern" in this Article shall apply."
- 7. Part 7, Off-Street Parking and Loading, is being amended, as follows:

Section 27-703., Schedule of Required Parking Spaces., Subsection 1., is being amended, as follows:

- "Age Restricted Community, Residential, 2 spaces per dwelling unit" ", not including garage."
- "Dwelling Units, 1:2 of a dwelling unit (i.e., 2 spaces for each dwelling unit" "not including garage.")
- "Farmer's Market, 100 square feet of "floor" sales area ", whether indoor or outdoor". Minimum of 6 spaces.
- "Medical Care Clinic or Facility, Employee plus 1 space per <del>200</del> "300" square feet of net floor area."
- "Mini-Storage/Self Storage Facility, 5 storage bays, plus 1 per employee" ", For a wholly enclosed self-storage facility, 1 space per 2, 500 sq. ft. of gross floor area."
- Retail Store or Shop, <del>200</del> **"300"** sq. ft. of floor area for public use plus one per employee on the two largest shifts"
- "Shopping Center or Mall, 180" sq. ft of gross area of leasable floor area"
- "Vehicle Repair, Service/Gasoline Station, 1:3 "2" service bay (i.e. 3 "2" spaces per bay ", not to include parking inside the bay itself") plus 1 for each employee or 1 for every 200 "300" sq.ft. of gross floor area, whichever is greater"
- **Section 27-704., Location of Parking Facilities., Subsection 2.B.(2),** regarding joint parking lots, is being amended, as follows:
  - "(2) To encourage joint use of facilities "**on separate properties"** in areas of contiguous commercial development fronting on an urban principal arterial, a parking reduction of 20% may be granted to those uses which demonstrate safe and convenient walking distances between uses and meet the criteria in § 27-704.B(1)."
- § 27-710. Parking and Storage of Motor Vehicles, Recreational Vehicles, Boats, and Trailers., Subsection 3., is being amended, as follows:
  - "3. Tractor and/or trailers; construction equipment, including but not limited to backhoes, dump trucks over 12,000 "20,000" GVW, cranes, forklifts; and school buses, with the exception of vans, shall not be parked or stored in residential districts, except for local delivery.
- **8.** Part **8**, Signs, is being amended, as follows:
  - **27-801., Outdoor Signs, Subsection 1., General Regulations for All Signs, Subparagraph D.**, is being amended, as follows:
    - "D. Two-Sided Signs. With the exception of a variable message sign, I "I"n computing the total permitted square foot area of a double-faced sign, only one side shall be considered, provided both faces are identical and parallel "and not more than 12 inches apart." Otherwise, all sides shall be considered in calculating the total permitted square foot area.
  - **27-801., Outdoor Signs, Subsection 1., General Regulations for All Signs, Subparagraph E.(2)**, is being amended, as follows:
    - (2) For all uses, an advertising sign and/or a business sign must be at least 60 feet apart, and no sign exceeding 30 "32" square feet in area may be located within 75 feet of a residential zone "use".
  - **27-801., Outdoor Signs, Subsection 1., General Regulations for All Signs, Subparagraph F.(4),** is being added, as follows:

- "(4) Freestanding internally illuminated signs shall be dimmable at night so as not to cause an objectionable glare to adjacent residential uses or motorists along a roadway."
- **27-801., Outdoor Signs, Subsection 1., General Regulations for All Signs, Subparagraph G.** is being amended, as follows:
  - "G. Signs Painted on Buildings. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as <del>an advertising</del> "a wall" sign <del>board</del> and the regulations pertaining thereto shall apply.
- **27-802.**, **Permitted Permanent Signs** is being renamed "Building Permits Not Required", and new text is being added. The following is a summary of types of signs that shall be permitted in all zones without a permit:
  - Signs offering the sale or rental of the premises upon which the sign is erected;
  - Temporary signs of contractors, developers, architects, engineers, builders, and artisans erected and maintained on the premises where work is being performed;
  - No trespassing signs, private road/drive signs, and no hunting/fishing signs;
  - Federal and State historical plaques;
  - Traffic and pedestrian safety control signs, such as, "entrance", "exit", "no parking", etc.;
  - Political signs on private property;
  - Banners for Township events or promotions or similar community events; and
  - Sponsorship signs at athletic fields and similar settings benefitting a non-profit organization.

#### Section 27-803, Permitted Temporary Signs "Requiring a Permit"

- A temporary banner attached to a building for no longer than sixty (60) days and may be permitted for up to four (4) times a year.
- **27-804**, **Permitted Permanent Signs** "Requiring a Permit" is being amended by adding new text. The following is a summary of types of signs that shall be permitted in all zones requiring a permit:
  - Permanent freestanding signs indicating the name and nature of a business on the same lot;
  - Banner Signs
  - Wall Signs not to exceed 240 square feet of 5% of the face of the building on which it is placed;
  - Roof signs not to exceed 32 square feet;
  - Permanent signs identifying a residential development; and
  - Aggregate total: No lot shall exceed total signage of 240 square feet or 5% of the building face parallel to the road frontage.
- **27-805.** Off Premises Advertising Signs/Billboard Sign is being amended by changing the title of the Section. No additional revisions are being made to the current text.
- **27-806.** Business Signs are Permitted to Have Digital Displays (Changeable Message Technology), Subsection 3., is being amended, as follows:
  - "3. Digital Display signs must maintain their images for a minimum of 30 "15" seconds. The sign shall be static between midnight and 5:00 a.m..

In addition, the sign chart following Section 27-806. is being deleted in its entirety.

9. Part 9, Nonconformities, Part 10, Zoning Hearing Board, Part 11, Administration and Enactment, and Part 12, Wireless Communication Facilities have no proposed amendments.

### YCPC PROJECT 24-005 DOVER TOWNSHIP

## ZONING ORDINANCE AMENDMENT Text and Map: Comprehensive Update

#### **RECOMMENDATION**

Χ	Municipality Adopt
	Municipality Not Adopt

<u>COMMENTS</u>: The staff of the York County Planning Commission commends Dover Township for its efforts in updating the township zoning ordinance. The map amendments included in this project are appropriate and no comments are offered. The following comments are offered for the township's consideration prior to adoption:

#### **Planning Related Comments:**

- In Subsection 2.(d), the definition for Land Development is not consistent with the definition for land development in the PA MPC. The township should consider removing this subsection 2(d) from the definition section in the Zoning Ordinance. In addition, excluding building expansions from land development approval is not advised. If the Township decides to keep this exception, it should be included in the Township SALDO and not in the definition of Land Development.
- In the definition of Manufacturing, it states that "such uses shall include a Distillery & Brewery". This definition implies that a Distillery & Brewery are required in any manufacturing use. Township officials should review this language.
- 3. The definition section includes the addition of **Micro-brewery/brew pub** and **Micro-distillery**, however, the same terms are being used in the definition of **Tavern**. The YCPC suggests that this definition should refer to the definition for micro-brewery/brew pub and micro-distillery for clarity.
- 4. The proposed **use chart** being added to Part 4 of the ordinance includes "Accessory Apartment" in the list of Dwelling Types but does not indicate in which zones they are permitted.
- 5. The proposed **use chart** being added to Part 4 of the ordinance includes "**Medical Marijuana Dispensary/Grower/Processor".** This use is proposed to be permitted by special exception in the Conservation District and in the Industrial District and is a permitted use in the Agricultural District. Section 2107., Zoning, of the PA Medical Marijuana Act, states,
  - (1) A grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district.
  - (2) A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.

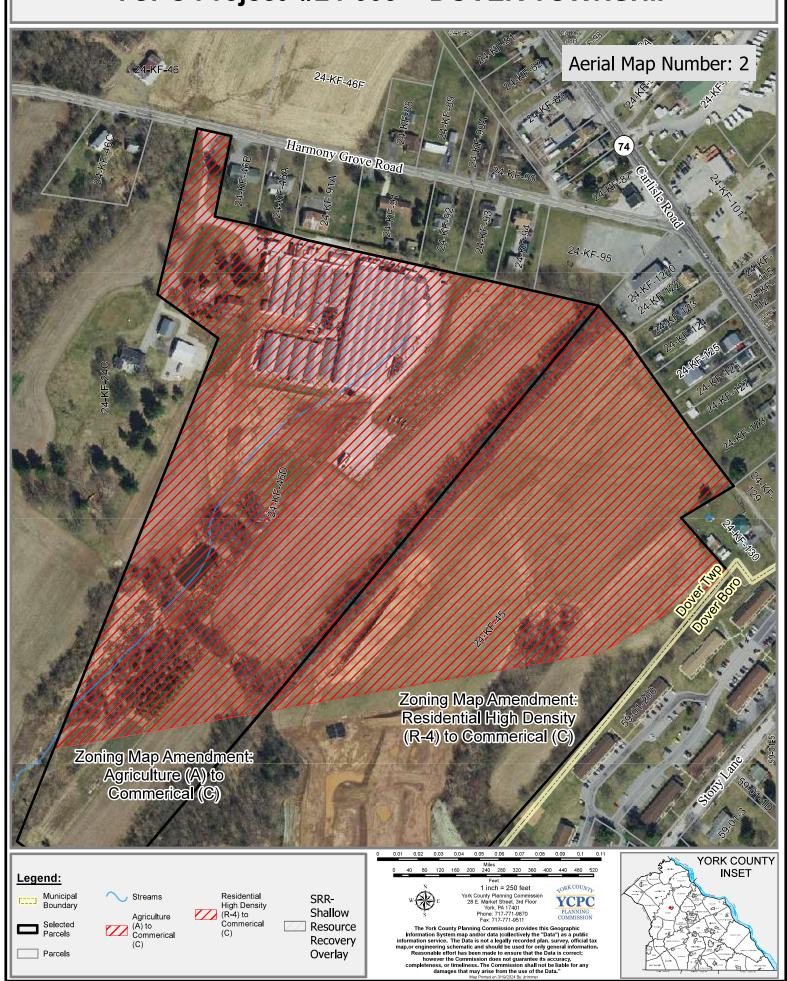
Therefore, per state law, a grower/processor should be a permitted use where other manufacturing, processing and production uses are permitted and a dispensary should be permitted where other commercial uses are permitted.

#### **Editorial-related Comments:**

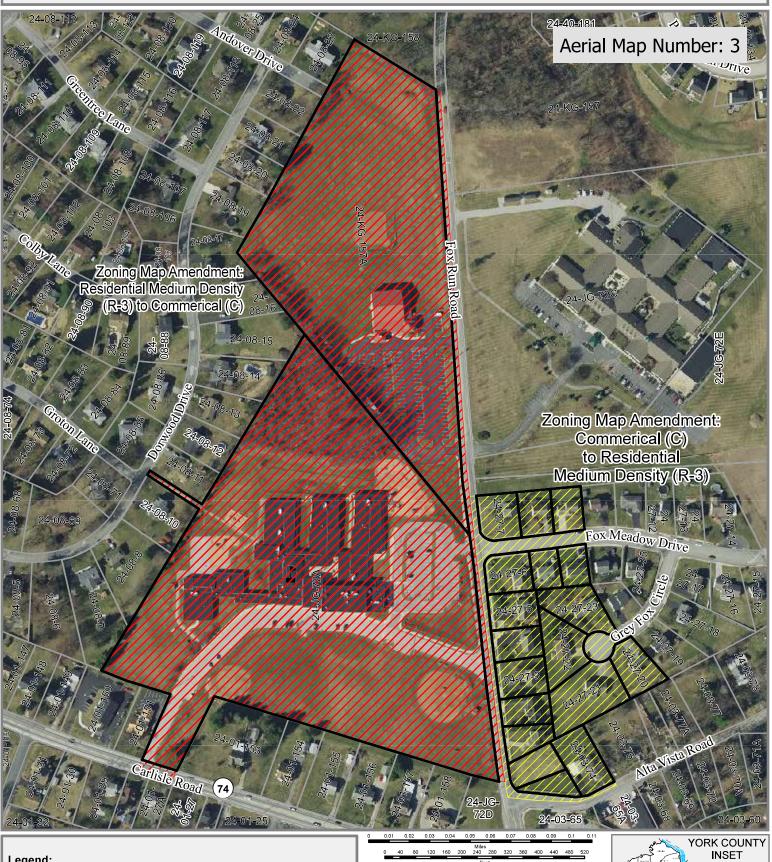
- 6. In Section 27-660., Principal Solar Energy System, Subsection H.5., there are typographical errors in Letter C.(1), C(2), and C.(3). In addition, in Letter F.(2), F.(4), and F.(5) of the same subsection, there are "blanks" where text should be. Please fill in the blanks with the correct text.
  - Please be advised that Section 609(g) of the PA MPC requires that **a copy of any adopted amendment be forwarded to the York County Planning Commission within 30 days following its enactment**.
  - The preceding comments were prepared by the staff of the York County Planning Commission and constitute a professional planning review, not a legal opinion.

# YCPC Project #24-005 - DOVER TOWNSHIP with the the standing 24-KF-14 24-KF-57 Aerial Map Number: 1 🐉 Harmony Grove Road Church Road Zoning Map Amendment: Remove SRR Overlay 24-JF-60 24-JF-113B YORK COUNTY INSET Legend: 1 inch = 1,650 feet County Planning Commissi 8 E. Market Street, 3rd Floor York, PA 17401 Phone: 717-771-9870 Fax: 717-771-9511 Municipal Streams SRR-**YCPC** Boundary 100 Year Shallow Floodplain The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public omation service. The Data is not a legally recorded plan, survey, official tax p.or engineering schematic and should be used for only general information. Reasonable effort has been made to ensure that the Data is correct: however the Commission does not guarantee its accuracy, completeness, or timeliness. The Commission shall not be liable for any damages that may arise from the use of the Data when the control of the provided of the p Feature Resource Recovery Parcels Overlay Overlay

### YCPC Project #24-005 - DOVER TOWNSHIP



### YCPC Project #24-005 - DOVER TOWNSHIP





Municipal Boundary

Parcels

Parcels

Commerical (C) to Residential Medium Density (R-3)

Residential Medium Density (R-3) Commerical

SRR-Shallow Resource Recovery Overlay



YCPC

The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public information syvice. The Data is not a legally recorded plan, survey, official tax map,or engineering schematic and should be used for only general information. Reasonable effort has been made to ensure that the Data is correct; however the Commission does not guarantee its accuracy, completeness, or timeliness. The Commission shall not be liable for any damages that may arise from the use of the Data."



### YCPC Project #24-005 - DOVER TOWNSHIP

