TOWNSHIP OF EAST HEMPFIELD

Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST HEMPFIELD BY MAKING CERTAIN AMENDMENTS TO THE ZONING ORDINANCE INVOLVING THE DEFINITIONS AND PERMITTED ZONES FOR LIVESTOCK

WHEREAS, the Board of Supervisors of East Hempfield Township has enacted the East Hempfield Township Zoning Ordinance of 2014, as set forth at Chapter 270 of the Code of the Township of East Hempfield (the “Code”); and

WHEREAS, recognizing that current regulations under the Code exclude several properties in the A and AH zoning districts from the ability to keep livestock for noncommercial purposes on such properties, the Board of Supervisors desires to make certain amendments to the Zoning Ordinance provisions of the Code, which it deems are in the best interests of the public health, safety, morals and general welfare of the Township.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, as follows:

1. Section 270-2.2 of the Code, involving definitions, is amended to include the following, with material which is underlined representing new material and material with strikeouts representing deleted material:

§270-2.2. Definitions:

Add definition:

LIVESTOCK

A creature kept for the production of food, wool, skins, or fur or for the purpose of its use in the farming of land or carrying on any agricultural activity and could be kept for pleasure and enjoyment. This term includes but not limited to bovine (relating to cattle), caprine (relating to goats), equine (relating to horses, mules, donkeys), ovine (relating to sheep), porcine (relating to swine), poultry, fowl, alpacas, llamas. This term shall not include the term pet.

PET

A domesticated animal kept for companionship or pleasure rather than utility and is not livestock. This term shall include the residential accessory use regarding the noncommercial keeping of no more than four (4) adult animals.
1. Section 270-5.2 of the Code, dealing with additional use regulations for specific uses is amended as follows with underlined material being revised or added and material which is struck out being deleted.

§ 270-5.2 QQ. Noncommercial keeping of livestock

(1) General Requirements: Within the A and AH zoning districts, noncommercial keeping of livestock is subject to the following requirements:

(a) All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.

(b) All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the livestock; such fencing must be set back at least 10 feet from all property lines and such fencing shall meet the height requirements of the underlying zoning district.

(c) All livestock waste shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All livestock, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties. Best management practices shall be instituted to prevent erosion and sediment runoff.

(d) The property owner shall exercise suitable control over the livestock and shall not allow a nuisance condition to be created related to excessive noise, dirt, or odor.

(2) Within the A and AH zoning districts, noncommercial keeping of livestock is subject to the following criteria:

(a)(1) The following list specifies minimum area requirements by size of animals kept - Livestock Density Requirements. The following lists the maximum livestock densities for the noncommercial keeping of livestock:

[1](a) Group 1: Livestock whose average adult weight is less than 10 pounds shall be permitted at a density of twelve (12) per one (1) acre, and the maximum number of livestock shall not exceed fifty (50);

[2](a) Group 2: Livestock whose average adult weight is between 10 and 65 pounds shall be permitted at a density of two (2) per one (1) acre, and the maximum number of livestock shall not exceed twenty (20);

[3](a) Group 3: Livestock whose average adult weight is greater than 65 pounds shall be permitted at a density of one (1) two (2) per one (1) acre, and the maximum number of livestock shall not exceed five (5).

[4](a) The keeping of a combination of livestock types (Group 1, 2 and 3) shall require a density equal to the ratio of the number of livestock, by type. In no case shall a lot contain more than 50 total livestock. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply.
The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house noncommercial livestock:

(a) Group 1 Livestock:
   [1] Up to 25 livestock, a twenty-five-foot setback;

(b) Group 2 Livestock:
   [1] Up to two livestock; a fifty-foot setback;

(c) Group 3 Livestock:

All structures used to house livestock noncommercial livestock shall be prohibited from placement in the front yard.

All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of animals; such fencing must be setback at least 10 feet from all property lines.

All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site’s property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

2. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

3. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of East Hempfield as provided by law.

DULY ORDAINED AND ENACTED this ___ day of ________________ 2019, by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EAST HEMPFIELD
Lancaster County, Pennsylvania

Attest: ____________________________
(Assistant) Secretary

By: ______________________________
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]
I, Cindy A. Schweitzer, Secretary of the Board of Supervisors of East Hempfield Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Hempfield Township held on October _____, 2019, at which meeting a quorum was present and voted in favor thereof.

___________________________________
Cindy A. Schweitzer, Secretary
MEMORANDUM

To: Cindy A. Schweitzer, Manager/Secretary
East Hempfield Township

From: Alex W. Rohrbaugh, AICP
Senior Community Planner

Thru: Dean S. Severson, AICP
Director for Community Planning

Date: September 24, 2019

Re: CPF #: 29-237A: Zoning Ordinance Amendments – Beekeeping
CPF#: 29-243: Zoning Ordinance Amendments – Definitions & Permitted Zones for Livestock
East Hempfield Township
LCPC Meeting of October 15, 2019

Notice: The Lancaster County Planning Commission meeting scheduled for September 23, 2019 was cancelled. This document is the staff draft and does not necessarily represent the final recommendation of the Lancaster County Planning Commission. All the agenda items scheduled for that meeting have been rescheduled for the Commission meeting on October 15, 2019.

The Lancaster County Planning Commission (LCPC) has reviewed the above-referenced zoning ordinance amendments and recommends approval. The amendments, if used, can be effective in implementing places2040 and moving us forward to the future we all want to see. The amendments are generally consistent with several of the “Big Idea” policy goals for municipalities being promoted by LCPC, as described in the “Commentary” section.

PROPOSALS

CPF# 29-237A

East Hempfield is proposing revised text amendments to its Zoning Ordinance as it relates to Beekeeping. Below is a summary of the proposed changes:
• Add definitions relating to Beekeeping

• Add Beekeeping as a permitted accessory use in Agriculture (A), Rural Business (RB), and Agriculture Holding (AH) zoning districts, subject to the following performance standards:
  o Apiaries must follow State beekeeping laws and must obtain a permit by the Township. Applicants must also offer proof of training from the PA State Beekeepers Association, an officer of a local bee club, or a certified Master Beekeeper.
  o Location and placement of hives, including setbacks and flyway zones
  o A maximum of two hives are permitted for the 3,000 square feet of lot area, with an additional hive permitted for each additional 1,500 square feet of lot area
  o Beekeepers shall comply with applicable State laws.
  o A fresh supply of water available for hives to prevent congregation near swimming pools and water sources on nearby properties
  o Hives entrances must face away from the closest neighboring property line

Proposed text amendments for beekeeping in East Hempfield was previously reviewed and recommended for approval by the LCPC on June 24, 2019 (CPF# 29-237A). The Township has since made substantive changes to beekeeping, namely limiting beekeeping to three rural zoning districts.

CPF# 29-243

East Hempfield is proposing text amendments to its Zoning Ordinance for definition and permitted zones for livestock. Below is a summary of the proposed changes:

• Definitions for livestock and pets

• Requirements for keeping of non-commercial livestock in Agriculture (A) and Agriculture Holding (AH) zones, including a 10-foot setback for pasture fencing, as well as waste and nuisance management

• Limit the number of noncommercial livestock permitted on a property by weight classifications (Groups)

• Minimum setbacks for housing of noncommercial livestock based on Groups

These amendments are being proposed because the Township believes the current density requirements for livestock for 1-acre lots in the A and AH zoning districts was too restrictive. The Township also believes that the proposed amendments will alleviate some of the restrictions but still maintain the public health, safety, and welfare of township residents.

COMMENTARY

The proposed text amendments are consistent with the following places2040 policies:

Taking Care of What We Have

Preserve the Farm as well as the Farmer.
Allowing beekeeping in the Agriculture (A) district enhances access to local food by allowing farmers more opportunities to produce locally sourced products.
Promote entrepreneurship and help local businesses grow.
Like “Preserve the Farm as well as the Farmer”, allowing beekeeping in rural zoning districts may strengthen the “maker economy” by allowing the production locally sourced honey products.

The proposed amendments are also consistent with the following places2040 Catalytic Tool & Strategy:

Simplify Zoning.
The amendments would permit beekeeping by right in certain zoning districts. Permitting uses by right streamlines the process and provides greater certainty and consistency. In addition, the proposed changes to noncommercial livestock in the A and AH zoning districts provide more flexibility for residents who rely on animal-driven transportation and live on smaller parcels in those zoning classifications.

CONSISTENCY WITH COMPREHENSIVE PLANS

places2040 - Lancaster County Comprehensive Plan
The project is generally consistent with places2040.

The proposed amendments are not generally addressed in the plan.

East Hempfield Comprehensive Plan (2016)
The proposed amendments are consistent with the following policies:
Beekeeping in the Agriculture district: Strategy NH1.1 - Review zoning ordinance and amending Agriculture Zoning District provisions as appropriate to allow accessory business uses complimentary to agricultural uses in order to allow farming operations to be financially sustainable.

*   *   *

DSS/AWR/kle

Copy:  Jon Beck, Planning Director, East Hempfield Township Contact
      Ann Byrne, East Hempfield Township Planning Commission Secretary
      Blakinger Thomas, East Hempfield Township Solicitor
      Robin Hemperly, East Petersburgh Borough Manager/Secretary
      Douglas Smith, Lancaster City Senior Planner
      William M. Laudien, Lancaster Township Manager/Secretary
      Thomas P. Daniels, Lancaster Township Assistant Manager
      Sean Molchany, Manheim Township Manager/Secretary
      Ryan Strohecker, Manor Township Manager/Secretary
      Mark Hiester, Penn Township Manager
      Sara Gibson, Rapho Township Manager
      Duane Martin, Rapho Township Secretary
      Andrew Stern, West Hempfield Township Manager