

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009-04

**AN ORDINANCE AMENDING THE FELTON BOROUGH ZONING ORDINANCE,
ENACTED ON MARCH 29, 2004, AS AMENDED,
BY ADDING DEFINITIONS AND
PROVISIONS REGARDING LIVESTOCK, ANIMALS AND PETS.**

BE IT ORDAINED AND ENACTED, by the Council of Felton Borough, York County, Pennsylvania as follows:

SECTION 1. Section 202 of the Zoning Ordinance is revised to amend the following definitions and substitute therefore the following to be inserted to the list of specific words and phrases in the proper location in alphabetical order:

ANIMAL, DOMESTIC - Any animal normally or ordinarily domesticated or raised in this area and climate, as Livestock or for work or breeding purposes.

AGRICULTURAL OPERATION - 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. For purposes of this Ordinance, the term Agricultural Operation shall also include the term Normal Agricultural Operation, as defined by the "Protection of Agricultural Operations from Nuisance Suits and Ordinances" (the "Right to Farm Act"), 3 P.S. Section 951 *et seq.*

BUILDING - Any enclosed or open Structure having a roof or other covering, including pre-fabricated units, constructed or used for a residence, business, industry, place of assembly or similar uses.

BUILDING, ACCESSORY - A detached subordinate Building or Structure, the use of which is incidental to that of the principal Building or use and which is located on the same Lot as occupied by the principal Building or use.

BUILDING AREA - The total area of the greatest outside dimensions on a horizontal plane of the Principal Building and all Accessory Buildings.

BUILDING, PRINCIPAL - A Building or Structure in which is conducted, designed to be conducted, or intended to be conducted as the primary use of the Lot on which it is located.

EASEMENT - A limited right of use granted in private land for a public or quasi-public purpose.

LOT - A designated Parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit. A Lot shall include one or more contiguous pieces, Parcels, or plots of land of record, all under the same ownership.

LOT AREA - The area contained within the property lines of the individual parcels of land as shown on a Subdivision plan, not including any area within a Street Right-of-Way.

LOT WIDTH - The width of a Lot measured at the street Right-of-Way line. For a flag Lot, the Lot width shall be measured at the flag.

SECTION 2. Section 202 is revised by adding the following to the list of specific words and phrases in the proper location in alphabetical order:

ANIMAL UNIT (AU) - One thousand (1,000) pounds of live weight of Livestock or other animals, regardless of the actual number of individual animals comprising the animal unit.

BUILDING ADDITION - An increase in floor area or attached expansion of an existing Building or Structure.

BUILDING ENVELOPE - The Building Envelope is that area of the Lot that has no building restrictions. The Building Envelope shall not include the area of any required Setbacks (except for driveways which cross yards), buffer yards or floodplains.

BUILDING SETBACK LINE - A line within a property defining the required minimum distance between any structure and the adjacent Right-of-Way line or property line.

EASEMENT OF ACCESS - Any Driveway or other entrance from a public or private road. A field road providing access to agriculturally used fields and not providing access to any residential, commercial or industrial structure is not considered an Easement of Access.

GROSS LOT AREA - The area contained within the property lines of an individual Lot of land, including any area within a Street Right-Of-Way and, including the area of any Easement.

NET LOT AREA - The area contained within the property lines of an individual Lot of land, excluding any area within a Street Right-of-Way, but including the area of any Easement

PET, HOUSEHOLD - Any dog, cat or other animal normally and ordinarily kept in or permitted to be at large in the Dwelling of its owner, including, but not limited to, dogs and cats. Household Pets shall not include Livestock or Domestic Animals. For purposes of regulation by this Ordinance, Household Pets shall not include fish, reptiles, amphibians, non-predatory birds, or any other small animals that are kept regularly within an enclosure such as a cage or tank, are not taken outside of the Building within which they are located on a regular basis, and do not create any nuisance effects beyond the boundary of the property. For purposes of the limitation set forth in this Ordinance, juvenile animals (animals less than six months of age) such as kittens or puppies shall not be counted as Household Pets.

PET, NON HOUSEHOLD - Any animal that is not a Household Pet, including, but not limited to, a horse, pony, goat, sheep, or donkey, which is kept for personal use as a pet and not used as Livestock or for an Agricultural Operation.

SECTION 3. The following subsections of Section 400 shall adjusted to place them in proper sequence with the proper designation, in coordination with now existing subsections a through d, so the would be ordered and identified within Section 400 as follows:

- e. Use Standards
- f. Off Street Parking
- g. Environmental Protection Overlay District
- h. Performance Standards
- i. Signs

The text of these subsections shall remain the same.

SECTION 4. Section 400(j) shall be added to the Zoning Ordinance and read as follows:

The keeping of no more than 3 Household Pets in a safe, sanitary, and humane manner, but excluding the commercial breeding or keeping of same. All such Household Pets shall not be penned or housed within the applicable minimum Building Setback Lines of any Lot. No Household Pet shall cause or be permitted to cause a nuisance.

SECTION 5. Section 600(e)(5) is revised to read as follows:

The keeping of no more than 3 Household Pets in a safe, sanitary, and humane manner, but excluding the commercial breeding or keeping of same. All such Household Pets shall not be penned or housed within the applicable minimum Building Setback Lines of any Lot. No Household Pet shall cause or be permitted to cause a nuisance.

SECTION 6. Section 700(e)(6) shall be added to the Zoning Ordinance and read as follows:

The keeping of no more than 3 Household Pets in a safe, sanitary, and humane manner, but excluding the commercial breeding or keeping of same. All such Household Pets shall not be penned or housed within the applicable minimum Building Setback Lines of any Lot. No Household Pet shall cause or be permitted to cause a nuisance.

SECTION 7. Section 500 (e)(6) shall be added to the Zoning Ordinance and read as follows:

On properties that constitute a valid nonconforming residential use pursuant to Article XIV of this Zoning Ordinance, the keeping of no more than 3 Household Pets in a safe, sanitary, and humane manner, but excluding the commercial breeding or keeping of same. All such Household Pets shall not be penned or housed within the applicable minimum Building Setback Lines of any Lot. No Household Pet shall cause or be permitted to cause a nuisance.

SECTION 8. Section 400(c)(5) shall be revised to read as follows:

5) Livestock, Dairy, Poultry, and other Domestic Animals used in Agricultural Operations (See Section 1325)

SECTION 9. Section 400(c)(15) shall be added to the Zoning Ordinance and read as follows:

15) Non Household Pets

SECTION 10. Section 1325 shall be added to the Zoning Ordinance and read as follows:

Section 1325 Livestock, Dairy, Poultry and other Domestic Animals used in Agricultural Operations

- a. A minimum of two (2) acres of Net Lot Area of land, exclusive of Buildings and impervious surfaces, must be provided.
- b. All animals shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.
- c. One or more Accessory Buildings shall be provided to house the animals and to store any materials used by or for the animals.

- d. Any Accessory Building shall be located a minimum of seventy-five (75) feet from all adjacent property lines.
- e. A minimum Setback of one hundred (100) feet shall be provided between any area or Structure used for the storage of animal wastes and all property lines, existing Street Right-of-Way lines, wetlands and waterways. Animal waste shall be removed from the property no less frequently than once per year, or more frequently to avoid any nuisance effect. Instead of removing some or all of the animal waste, it may be incorporated into the Property consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.
- f. Animal bedding may be stored outside of a Structure or Building so long as the material is stored a minimum of seventy-five (75) feet from any property line, existing Street Right-of-Way line, wetland or waterway.
- g. The use shall comply with all applicable state, federal and local laws and regulations, as now in effect or may be adopted from time to time.

SECTION 11. Section 1326 shall be added to the Zoning Ordinance and read as follows:

Section 1326 Non Household Pets

- a. A minimum of two (2) acres of Net Lot Area of land, exclusive of Buildings and impervious surfaces, must be provided. There shall be permitted one (1) Animal Unit per each acre of Net Lot Area.
- b. All animals shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.
- c. One or more Accessory Buildings shall be provided to house the animals and to store any materials used by or for the animals.
- d. Any Accessory Building shall be located a minimum of seventy-five (75) feet from all adjacent property lines.
- e. A minimum Setback of one hundred (100) feet shall be provided between any area or Structure used for the storage of animal wastes and all property lines, existing Street Right-of-Way lines, wetlands and waterways. Animal waste shall be removed from the property no less frequently than once per year or more frequently to avoid any nuisance effect.

- f. Animal bedding may be stored outside of a Structure or Building so long as the material is stored a minimum of seventy-five (75) feet from any property line, existing Street Right-of-Way line, wetland or waterway.
- g. The use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or other effects beyond the property line of the Parcel upon which the use is located.
- h. The proposed use shall comply with all applicable state, federal and local regulations, including, but not limited to, nutrient management, building codes, erosion and sedimentation control and storm water management, as well as standards for signs, lighting, parking and access.

SECTION 12. Repealer. The passage of this Ordinance amending in part the Felton Borough Zoning Ordinance of March 29, 2004, as amended, shall in no way be deemed to invalidate or repeal any provisions of said Ordinance, except as specifically provided for herein.

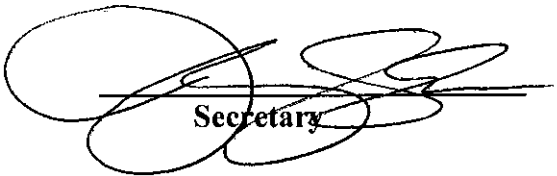
SECTION 13. Severability. Should any section provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

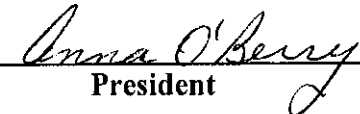
SECTION 14. Effective Date. This Ordinance shall be effective five (5) days after its enactment by the Borough Council of Felton Borough, York County, Pennsylvania.

ORDAINED AND ENACTED this 7th day of December, 2009.

ATTEST:

FELTON BOROUGH COUNCIL


Secretary

By: 
President

Approved this 7th day of December, 2009.


Mayor