

WEST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WEST HANOVER TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, DELETING SECTION 195-79.D., 195-80.C. and SECTION 195-182. AND ADDING SECTION 195-79.C.9-14., SECTION 195-82.C.7-12, AND SECTION 195-103.W.OF CHAPTER 195 OF THE CODE OF WEST HANOVER TOWNSHIP.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF WEST HANOVER TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. The following amendments are hereby added to the West Hanover Township Code of Ordinances:

ADD Bold – New Language, ~~deleted text~~

~~§195-79.D. Conditional uses.~~

- ~~(1) Accessory commercial uses, such as picnic areas or fences.~~
- ~~(2) Underground public utilities.~~
- ~~(3) Walking bridges.~~
- ~~(4) Footpaths.~~
- ~~(5) Driveway crossings.~~
- ~~(6) Any other use requiring a federal or state encroachment permit.~~

~~§195-80.C. Conditional uses.~~

- ~~(1) Accessory commercial uses such as picnic areas or fences.~~
- ~~(2) Underground public utilities.~~
- ~~(3) Walking bridges~~
- ~~(4) Driveway crossings.~~
- ~~(5) Any other use requiring a federal or state encroachment permit.~~

~~§195-182 Conditional uses in EPODS.~~

~~**A. General.**~~

- ~~(1) Any construction within any EPOD shall be minimally invasive and utilize best management practices, as defined by PADEP and USCOE.~~
- ~~(2) A detailed site plan shall accompany the conditional use hearing application.~~
- ~~(3) All applicable federal and state permits shall be obtained prior to any conditional use hearing.~~

~~(4) All applicable federal and state permit applications shall be included in the conditional use hearing application.~~

~~(5) If no federal or state permits are required, a letter stating such from the appropriate agency shall be provided prior to any conditional use hearing.~~

~~(6) Other items of a reasonable and related nature for the protection of the natural features of the EPOD, as required by the Board of Supervisors.~~

B. Accessory commercial uses:

~~(1) Impervious areas shall be limited to a maximum of 1% of the EPOD and buffer area on the lot.~~

~~(2) Maintenance of the accessory area shall be demonstrated to show no pollution of the EPOD or buffer area.~~

~~(3) No use or storage of hazardous chemicals is allowed.~~

C. Fences:

~~(1) Fences shall be prohibited in the defined environmentally protected area, but may be located in the buffer area.~~

~~(2) Design shall be as unobtrusive as meets the fencing needs.~~

~~(3) All fencing shall be at least 75% open area.~~

~~(4) Fences shall be required to control movement of people within the environmentally sensitive area.~~

D. Underground public utilities:

~~(1) All access and easement agreements shall be signed prior to the conditional use hearing.~~

~~(2) The Township Engineer shall review all construction drawings and procedures for approval of minimally invasive techniques.~~

~~(3) The land shall be restored to preconstruction conditions.~~

~~(4) The Township has the right to request provisions for future tie-ins.~~

E. Walking bridges and piers:

~~(1) Any span greater than 20 feet shall require an elevated structure instead of a culvert and fill.~~

~~(2) Details of the structure shall be reviewed by the Township Engineer for safety and for loading calculations.~~

~~(3) Provisions shall be made to prevent motorized vehicles from using the bridges and piers.~~

~~(4) Adjacent land areas shall be restored to preconstruction condition.~~

~~(5) Materials for construction shall have a minimum twenty-five year life span.~~

F. Footpaths:

~~(1) Footpaths shall be designed for maximum visual and educational benefit with minimal intrusion in environmentally sensitive areas.~~

~~(2) Details of construction shall be reviewed by the Township Engineer.~~

~~(3) Footpaths shall be of pervious construction and designed to prevent ponding of water or washouts.~~

~~(4) Footpaths shall be a minimum of five feet in width.~~

~~(5) Footpaths shall be bordered with fencing near bridges or hazardous fall areas.~~

G. ~~Driveway crossings.~~

~~(1) The Township Engineer shall review the site plan and construction details.~~

~~(2) Adequate drainage underneath shall be provided so no additional ponding occurs, or disruptions to the natural flow of water.~~

~~(3) All other ordinance specifications shall apply.~~

~~(4) The applicant shall provide evidence no other viable alternative exists for the driveway.~~

H. ~~Community improvements, such as stormwater facilities and roadways.~~

~~(1) Where practicable, crossings of EPODS shall be located in areas of minimal width of EPOD.~~

~~(2) All roadway crossings of EPODS shall incorporate pedestrian sidewalks and curbs into the design.~~

~~(3) All other roadway design requirements in Ch. 173, Subdivision and Land Development, shall apply.~~

~~(4) Guide rails or fences shall be incorporated in the areas of actual encroachment into the EPOD.~~

~~(5) Any areas of fill associated with a stormwater facility shall be located outside of the EPOD.~~

~~(6) Stormwater outlet design shall be done in such a manner as to minimize any impact on the EPOD.~~

~~(7) All community improvements shall be reviewed by the Township Engineer for soundness of design and compliance with this section of the chapter.~~

~~(8) Other relevant and related conditions the Board of Supervisors set.~~

I. ~~Any other use requiring a federal or state encroachment permit.~~

~~(1) All improvements shall be reviewed by the Township Engineer for soundness of design and compliance with this § 195-113 of the chapter.~~

~~(2) A copy of the federal or state encroachment permit shall be provided.~~

~~(3) The federal or state encroachment permit shall supersede any WPOD requirement.~~

§ 195-79 Stream Protection Overlay District (SPOD).

C. Permitted uses. The following shall be permitted uses in the SPOD, provided that they are in compliance with the provisions of the underlying district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment:

(9) Accessory commercial uses, such as picnic areas or fences in accordance with Section 195-103.W.

(10) Underground public utilities in accordance with Section 195-103.W.

(11) Walking bridges in accordance with Section 195-103.W.

(12) Footpaths in accordance with Section 195-103.W.

(13) Driveway crossings in accordance with Section 195-103.W.

(14) Any other use requiring a federal or state encroachment permit in accordance with Section 195-103.W.

§ 195-82 Wetland Protection Overlay District (WPOD).

C. Permitted uses. The following uses shall be allowed within the WPOD to the extent that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, provided that they do not require structures, fill or storage of materials and equipment, and provided that a permit is obtained from the PADEP and the United States Army Corps of Engineers, if applicable.

(7) Accessory commercial uses, such as picnic areas or fences in accordance with Section 195-103.W.

(8) Underground public utilities in accordance with Section 195-103.W.

(9) Walking bridges in accordance with Section 195-103.W.

(10) Footpaths in accordance with Section 195-103.W.

(11) Driveway crossings in accordance with Section 195-103.W.

(12) Any other use requiring a federal or state encroachment permit in accordance with Section 195-103.W.

§ 195-103.W. Permitted Accessory uses in the EPOD.

A. General.

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(2) A detailed site plan shall accompany the conditional use hearing application.

(3) All applicable federal and state permits shall be obtained prior to any conditional use hearing.

(4) All applicable federal and state permit applications shall be included in the conditional use hearing application.

(5) If no federal or state permits are required, a letter stating such from the appropriate agency shall be provided prior to any conditional use hearing.

(6) Other items of a reasonable and related nature for the protection of the natural features of the EPOD, as required by the Board of Supervisors.

B. Accessory commercial uses.

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(6) Stormwater outlet design shall be done in such a manner as to minimize any impact on the EPOD.

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I. Any other use requiring a federal or state encroachment permit.

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(2) A copy of the federal or state encroachment permit shall be provided.

(3) The federal or state encroachment permit shall supersede any WPOD requirement.

[Added ____ - ____-2020 by Ordinance No. 2020-2]

Section 2. Saving Clause.

That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3. Severability.

If any sentence, clause, phrase, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections, or parts of this Ordinance. It is hereby declared as the intention of the Board of Supervisors of West Hanover Township that this Ordinance would have been adopted or approved, as the case may be, had such unconstitutional, illegal, or invalid sentence, clause, phrase, section, or part thereof not been included herein.

Section 4: Inconsistency.

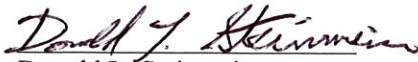
All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

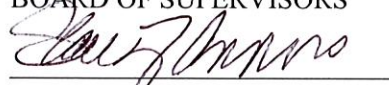
Section 5. Date of Effect.

That the Secretary of West Hanover Township shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect immediately upon final passage and approval.

ENACTED AND ORDAINED as Ordinance 2020-2 this 27th day of October, 2020.

ATTEST:


Donald L. Steinmeier
Secretary

WEST HANOVER TOWNSHIP
BOARD OF SUPERVISORS

Stacey Connors
Chairman

SEAL