

**AN ORDINANCE TO AMEND
CHAPTER 27, ZONING OF THE NORTH CENTRE TOWNSHIP
CODE OF ORDINANCES**

CHAPTER 27, ZONING IS HEREBY AMENDED AS FOLLOWS:

SECTION 1

PART 13 - DEFINITIONS

§1302. – DEFINITIONS this section is hereby amended as follows:

A. The term CONCENTRATED ANIMAL OPERATIONS (CAO) which currently reads as follows:

CONCENTRATED ANIMAL OPERATIONS (CAO) - agricultural operations where the animal density exceeds two animal equivalent units (AEU) per acre on an annualized basis. (See also §418(B).)

IS HEREBY AMENDED TO READ AS FOLLOWS:

CONCENTRATED ANIMAL OPERATIONS (CAO) (Including the Raising of Livestock and Poultry)

1. The above term shall mean a use involving the raising of livestock and/or poultry involving a total average of 3 or more "animal equivalent units" (see definition below) of live weight per acre of livestock or poultry.
2. An Animal Equivalent Unit (AEU) is 1,000 pounds live weight of livestock, aquatic, or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act regulations and accompanying standards prepared by the Penn State University Cooperative Extension Service.
3. These zoning intensity provisions shall be based upon the total acreage of one or more adjacent lots (which may be separated by a road) under common ownership, operation or lease, and are not based upon the acreage that is available for disposal of wastes.

B. The term ANIMAL EQUIVALENT UNIT which currently reads as follows:

ANIMAL EQUIVALENT UNIT - one thousand pounds live weight of livestock or poultry animals, regardless of the actual numbers of individual animals comprising the unit. (See the Pennsylvania Nutrient Management Act for a listing of standard animal weights.)

IS HEREBY AMENDED TO READ AS FOLLOWS:

ANIMAL EQUIVALENT UNIT (AEU) is 1,000 pounds live weight of livestock, aquatic, or poultry animals, regardless of the actual number of individual animals comprising the unit. This

weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act regulations and accompanying standards prepared by the Penn State University Cooperative Extension Service.

C. The term AGRICULTURE which currently reads as follows:

AGRICULTURE - the use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures used for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. (See also “agri-business,” “animal or poultry husbandry,” “farm, farm-related business” and “normal agricultural operation”.)

IS HEREBY AMENDED TO READ AS FOLLOWS:

AGRICULTURE - the use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures used for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. (See also “agri-business,” “animal or poultry husbandry,” “farm, farm-related business” “normal agricultural operation” and “concentrated animal operations.”)

D. The term Odor Management Plan which currently reads as follows:

ODOR MANAGEMENT PLAN - a written, site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located or to be located on the site.

IS HEREBY AMENDED TO READ AS FOLLOWS:

ODOR MANAGEMENT PLAN - a written, site-specific plan prepared by a State Certified Odor Management Specialist identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from concentrated animal operations (CAOs) or manure management facilities in accordance with the most recent applicable governing regulations under the Pennsylvania Nutrient Management Program as set forth under Act 38 of 2005, as amended.

SECTION 2

PART 13 - DEFINITIONS

§1302. DEFINITIONS is hereby amended to include the following terms which shall read as follows

STATE CERTIFIED ODOR MANAGEMENT SPECIALIST - person designated as such by the Pennsylvania State Conservation Commission based upon successful completion of training under the Odor Management Specialist Certification Program.

CONTIGUOUS LOT - geographical land division(s) that, as a group, are not interrupted by other land or water.

COOP - a cage or small building in which poultry or domestic waterfowl are housed.

OUTSIDE RUN - fenced off area in which the poultry or domestic waterfowl can be kept confined and get exercise.

POULTRY AND DOMESTIC WATERFOWL - domesticated birds kept for the eggs they produce, their meat, as school or youth organization projects or sometimes as pets. These birds are members of the super order Galloanserae (fowl), especially the order Galliformes, specifically chickens, quails and turkeys, and the family Anatidae, in order Anseriformes, commonly known as "waterfowl" specifically domestic ducks and domestic geese. Poultry also includes other birds that are killed for their meat, such as the young of pigeons (known as squabs) but does not include similar wild birds hunted for sport or food and known as game, or the birds known as ostrich or peafowl.

SECTION 3

PART 3 – DISTRICT REGULATIONS

§306. A - AGRICULTURAL PRESERVATION DISTRICT is hereby amended to include “Concentrated Animal Operations” as a Conditional Use in the A (Agricultural Preservation) District, which shall read:

12. Concentrated Animal Operations (See § 418 (B))

See Exhibit A, which is attached hereto and made a part hereof.

SECTION 4

Section 418 AGRICULTURAL USES, Subsection B, Concentrated Animal Operations Regulations, which currently reads as follows:

B. Concentrated Animal Operation Regulations. Concentrated animal operations (CAO) may be permitted only where specified in the “District Regulations,” Part 3. All new or expanded CAO’s shall require conditional use approval from the Township Supervisors prior to the issuance of a zoning permit. In addition, all applications for CAO’s shall satisfy the following criteria:

(1) All concentrated animal operations shall meet the requirements set forth in the Pennsylvania Nutrient Management Regulations and Act 38 of 2005, the ACRE legislation, for the preparation and submission of nutrient management plans. In particular, all such operations shall meet the standards pertaining to nutrient application, manure management, and manure storage facilities.

(2) All applications to the Township for new or expanded concentrated animal operations shall include the following information:

(a) A detailed, written description of the type and size of operation being proposed.

(b) A site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence).

(c) A copy of the applicant's nutrient management plan, reviewed and approved by the County Conservation District, designated nutrient management specialist, or other appropriate agency.

(d) A copy of the applicant's odor management plan. (See subsection (B) (5) below.)

(3) At a minimum, buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall be erected at least 100 feet from all property lines and dwellings (other than the owner's residence). Where however, there is conflict with these standards and the setback requirements established in the nutrient management regulations, then the standards contained in the nutrient management regulations shall apply.

(4) No manure storage facilities shall be permitted to be located within an identified floodway area. Where located within an identified flood fringe or general floodplain area, all such structures shall be elevated or floodproofed to meet the requirements of §603 of this Chapter.

(5) All concentrated animal operations shall meet the requirements set forth in Act 38 of 2005, or as may hereafter be amended, for the development and implementation of an odor management plan. The applicant shall provide the Township with a copy of his odor management plan reviewed and approved by the County Conservation District, designated odor management specialist, or other appropriate individual or agency as a part of his application for a CAO.

IS HEREBY AMENDED TO READ AS FOLLOWS:

B. Concentrated Animal Operations (CAO) (Including the Raising of Livestock and Poultry)

The following regulations shall apply for a use with a new or expanded building used to house animals that is placed or constructed after the effective date of this Ordinance. All new or expanded CAO's shall require conditional use approval from the Township Supervisors prior to the issuance of a zoning permit and demonstrate compliance with all applicable procedures and requirements of the State Nutrient Management Act, Act 38 and accompanying State regulations including but not limited to an Odor Management Plan.

1. All applications to the Township for new or expanded concentrated animal operations shall include the following information:

(a) A detailed, written description of the type and size of operation being proposed.

(b) A site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence).

(c) A copy of the applicant's Nutrient Management Plan as approved by the agency having jurisdiction over such plans.

- (d) A copy of the applicant's Odor Management Plan as approved by the agency having jurisdiction over such plans.
2. A new or expanded building used for concentrated animal operations, shall not be located within the following, whichever is more restrictive:
 - a) 200 feet of any district boundary of an RR District (Rural Residential), SR District (Suburban Residential) and/or a V District (Village).
 - b) 100 feet from a dwelling unit on an adjacent property that is not in common ownership and that existed prior to the enactment of this Ordinance.
 3. A manure storage facility as part of a CAO operation shall require a 200 foot setback from any property line. The setback for these facilities shall be increased to 300 feet if the manure storage facility is located on a slope exceeding 8% or if the facility has a capacity of 1.5 million gallons or more
 4. Minimum lot area - A minimum lot area of 10 acres shall apply except a minimum lot area of 40 acres if the use will have more than 5 animal equivalent units per acre on the average.
 5. The applicant should describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant should provide a written comparison of proposed methods of controlling insect and odor nuisances and avoid water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may provide a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
 6. A manure storage facility setback regulations shall be governed by the State Nutrient Management Regulations.

SECTION 5

Section 1102, CONDITIONAL USES, Subsection E, Criteria for Review of Conditional Uses, which currently reads as follows:

E. Criteria for Review of Conditional Uses. The Supervisors shall, in making decisions on each application for a conditional use, consider the following general criteria, in addition to the special criteria established elsewhere in this Chapter:

IS HEREBY AMENDED TO READ AS FOLLOWS:

E. Criteria for Review of Conditional Uses. Unless preempted by State or Federal statute, the Supervisors shall, in making decisions on each application for a conditional use, consider the

following general criteria, in addition to the special criteria established elsewhere in this Chapter:

SECTION 6

PART 4 - SUPPLEMENTARY USE REGULATIONS

Part 4, Supplementary Use Regulations is hereby amended to include §437 titled “Poultry and Domestic Waterfowl” which shall read as follows:

§437. POULTRY AND DOMESTIC WATERFOWL.

The keeping of poultry and domestic waterfowl for personal use shall be a use permitted by right in all zoning districts subject to the following requirements.

- A. The use shall not represent or otherwise be classified as a Concentrated Animal Operation.
- B. A Minimum lot size, either owned, leased, or rented, of one half (1/2) acre shall be required.
- C. The lot must have an existing single family residence, or be a contiguous lot owned by the same owner as the single family residence.
- D. Maximum Permitted Number of Poultry and Domestic Waterfowl:
 - 1. Lot sizes of one-half ($1/2$) acre to one (1) acre, the maximum number permitted is six (6) poultry or waterfowl.
 - 2. Lot sizes more than one (1) acre, the maximum number permitted is twelve (12) poultry or domestic waterfowl per acre.
- E. Roosters may be kept in any district on a property of more than 3 acres, and will be subject to the Noise Disturbance section (§106) of the Animal Ordinance (Chapter Two, Part One of the North Center Township Code of Ordinances).
- F. The keeping poultry and domestic waterfowl for personal use shall also comply with Ordinance No. 2015-03 of North Centre Township for items/issues not addressed under §437 .
- G. Coops.
 - 1. A zoning permit shall be required for the construction of any coop.
 - 2. The minimum coop size shall be two (2) square feet per bird for chickens.
 - 3. The outside run shall be enclosed in such a manner as to securely contain the poultry or domestic waterfowl.

- H. Slaughtering or butchering of poultry and domestic waterfowl for personal consumption or religious practices shall be permitted provided it is done on the property where the poultry and domestic waterfowl are kept and conducted within an enclosed building. Any waste shall be disposed of in a proper and sanitary manner.
- I. Slaughtering or butchering of poultry and domestic waterfowl as a farm-related business shall be comply with the regulations of § 432 -FARM-RELATED BUSINESSES.
- J. All feed, water, and other items associated with the keeping of poultry and domestic waterfowl shall be protected in a way that prevents infestation by rats, mice, other rodents or other vermin.

SECTION 7

REPEALING PROVISION

All Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8

EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE NORTH CENTRE TOWNSHIP BOARD OF SUPERVIORS
ON THIS ____ DAY OF _____, 2017.