

**TOWNSHIP OF SILVER SPRING
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 03 of 2018

AN ORDINANCE OF THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 95-10, AS AMENDED, WHICH PROVIDES ZONING WITHIN THE TOWNSHIP OF SILVER SPRING, TO REVISE REQUIREMENTS REGARDING COMMERCIAL LIVESTOCK OPERATIONS MANURE MANAGEMENT AND AGRICULTURAL AND EROSION SEDIMENTATION CONTROL, TO AMEND REQUIREMENTS REGARDING BEEKEEPING IN THE AGRICULTURAL ZONE, TO AMEND FRONT YARD SETBACK STANDARDS FOR RESIDENTIAL ACCESSORY USES IN THE AGRICULTURAL ZONE, TO REPEAL THE SPECIAL EXCEPTION RELATED TO PUBLIC AND PRIVATE SCHOOLS IN THE AGRICULTURAL ZONE, TO AMEND PROVISIONS ON NON-COMMERCIAL KEEPING OF LIVESTOCK, AND TO AMEND CONDITIONAL USE HEARING PROCEDURES TO PERMIT DELEGATION OF CERTAIN AUTHORITY

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania, as follows:

SECTION 1: Paragraph 2.D of subsection 201.2 [Permitted Uses] of Section 201 [Agricultural Zone (A)] of Article 2 [Zoning Regulations] of the Silver Spring Township Zoning Ordinance of 2013, as amended (the Silver Spring Township Zoning Ordinance of 2013, as amended, is hereinafter referred to as “the Zoning Ordinance”) is hereby amended to read as follows:

“The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with Act 38, Agriculture, Communities, and Rural Environment (ACRE) policy initiative as amended, and/or PA Chapter 91, Manure Management regulations. DEP Manure Management Manual. All subsequent operations on the site shall be required to strictly adhere to this approved manure management plan; and,”

SECTION 2: Paragraph 2.E of subsection 201.2 [Permitted Uses] of Section 201 [Agricultural Zone (A)] of Article 2 [Zoning Regulations] of the Zoning Ordinance is hereby amended to read as follows:

“The applicant shall develop a written Agricultural and Erosion Sedimentation Control Plan that shall be kept on the farm and made available upon request.”

SECTION 3: Paragraph 13.D of subsection 201.2 [Permitted Uses] of Section 201 [Agricultural Zone (A)] of Article 2 [Zoning Regulations] of the Zoning Ordinance is hereby amended to read as follows:

- D. Beekeeping shall be permitted as an accessory use on any farm within the Township, subject to the following:
- a. The applicant shall obtain a zoning permit from the Zoning Officer;
 - b. There shall be a source of water within one-quarter, (1/4) mile of the apiary; and,
 - c. New apiaries of ten (10) hives or more shall not be established within fifty (50) yards of any adjoining property containing a residence.
 - d. Colonies shall be maintained in moveable frame hives, with hives being no closer than 25 feet to any property line, no closer than fifty (50) feet from a public road right-of-way, and at least 50 feet from any dwelling located on an adjoining property.
 - e. Any beekeeper shall provide documentation they are in compliance with Pennsylvania's Bee Law, 3 Pa. C.S.A. § 2101-§2117, which requires the owner of an apiary located in Pennsylvania to register the apiary with the Pennsylvania Department of Agriculture.

SECTION 4: Paragraph 4 of subsection 201.3 [Special Exceptions] of Section 201 [Agricultural Zone (A)] of Article 2 [Zoning Regulations] of the Zoning Ordinance, which provides for public and private schools as a special exception in the Agricultural Zone is hereby repealed.

SECTION 5: Paragraph 4.A of subsection 201.6 [Design Standards] of Section 201 [Agricultural Zone (A)] of Article 2 [Zoning Regulations] of the Zoning Ordinance is hereby amended to read as follows:

- A. Front yard setback - Three hundred feet (300') (except roadside stands and permitted signs) or behind the primary structure;
- B. Subsection 337.1 of Section 337 [Non-Commercial Keeping of Livestock] of Article 3 [General Provisions] of the Zoning Ordinance is hereby amended to delete the final sentence, which states "Within the (RE) Zone, non-commercial keeping of livestock is permitted by special exception, subject to the criteria stated in Section 427."
- C. GROUP 1 of subsection 337.2 [Minimum Lot Area] of Section 337 [Non-Commercial Keeping of Livestock] of Article 3 [General Provisions] of the Zoning Ordinance is hereby amended to read as follows:

GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre, with a maximum number of twenty-four (24) animals for lots up to 10 acres. And a maximum number of fifty animals for lots 10 acres and larger;

D. Subsection 337.3 of Section 337 [Non-Commercial Keeping of Livestock] of Article 3 [General Provisions] of the Zoning Ordinance is hereby amended to read as follows:

The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure or enclosure used to house non-commercial livestock:

GROUP 1 Animals

- Up to 24 animals, a 25-foot setback;
- Above 24 animals, a 50-foot setback;

The remainder of subsection 337.3 shall remain unamended.

E. Subsection 337.4 of Section 337 [Non-Commercial Keeping of Livestock] of Article 3 [General Provisions] of the Zoning Ordinance is hereby amended to read as follows:

337.4. CHICKENS

1. Chickens/Poultry shall not be kept on duplex, triplex, multifamily properties or mobile home/manufactured home parks.
2. Chicken structure or enclosure will include a roof and/or fencing that will retain chickens at all times.
3. A chicken structure or enclosure will be considered an accessory use.
4. No ducks, geese, turkeys, peafowl, or male chickens/roosters, or any other poultry or fowl may be kept under the provisions of this Section.
5. Chickens shall be kept for personal use only. The selling of chickens, chicken manure, or the breeding of chickens for commercial purposes is prohibited.
6. Any chicken structure or enclosure must be located in the rear yard. No enclosure or chickens shall be allowed in any front or side yard.
7. Chickens shall not be permitted to trespass on neighboring properties.
8. Chickens shall not be permitted to create a nuisance consisting of odor, pests, or contribute any other nuisance condition.

F. Subsection 432.1 of Section 432 [Public and Private Schools] of Article 4 [Specific Criteria] of the Zoning Ordinance is hereby amended to remove the reference to the Agricultural Zone and is amended and replaced to read as follows:

“Within the (R and R-1) Zones, public and private schools (excluding vocational and mechanical trade schools) and within the (R-2) Zone, only private schools (excluding vocational and mechanical trade schools) are permitted by special exception, subject to the following criteria:”

G. Subsection 432.7 of Section 432 [Public and Private Schools] of Article 4 [Specific Criteria] is hereby repealed.

H. Paragraph 5 of subsection 704.5 [Hearing Procedures] of Section 704 [Conditional Uses] of Article 3 [General Provisions] of the Zoning Ordinance is hereby amended to read as follows:

5. The Chairman or Acting Chairman of the Board of Supervisors shall have power to administer oaths, which the Chairman or Acting Chairman may delegate to the stenographer; and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. The Chairman or Acting Chairman may delegate any of the foregoing powers under this paragraph to the Township Solicitor;

I. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

J. The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or any other provision, section, article or chapter of the Zoning Ordinance.


K. This Ordinance shall become effective upon adoption.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 03 of 2018 this 23rd day of May, 2018.

ATTEST:



Theresa Eberly, Secretary

**SILVER SPRING TOWNSHIP
BOARD OF SUPERVISORS**


David R. Lenker, II, Chair