

**SALEM TOWNSHIP
ORDINANCE NUMBER 1 OF 2014**

AN ORDINANCE AMENDING THE SALEM TOWNSHIP ZONING ORDINANCE OF MARCH 28, 1995, AS AMENDED.

WHEREAS THE SALEM TOWNSHIP BOARD OF SUPERVISORS AT ITS MEETING OF FEBRUARY 11, 2014, DECLARED THE SALEM ZONING ORDINANCE TO BE SUBSTANTIVELY INVALID WITH RESPECT TO THE USE OR PROPOSED USE OF PROPERTIES FOR ANY AGRICULTURAL PURPOSES AS SO DEFINED BY THE TERM "AGRICULTURE" WITHIN ARTICLE 2 OF THE SALEM TOWNSHIP ZONING ORDINANCE AND;

WHEREAS THE SALEM TOWNSHIP BOARD OF SUPERVISORS PROVIDED A DECARATION OF INVALIDITY IN ACCORDANCE WITH SECTION 609.2 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, AS AMENDED, TITLED "PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENTS."

NOW THEREFORE IT IS HEREBY ORDAINED AND ENACTED BY THE SALEM TOWNSHIP BOARD OF SUPERVISORS THAT THE FOLLOWING AMENDMENTS TO THE SALEM TOWNSHIP ZONING ORDINANCE ARE HEREBY ADOPTED.

SECTION 1.

Article 2, Definitions, Section 202, Definition of Terms, is hereby amended to delete the term "Agriculture," which reads as follows:

AGRICULTURE:

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for farm homes and packing, treating or storing the product; provided, however, that the operation of any accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include commercial hog farms, fur farms, fertilizer plants or animal kennels.

SECTION 2.

Article 2, Definitions, Section 202, Definition of Terms, is hereby amended to include the following terms which shall read as follows:

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. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

ANIMAL FEEDING OPERATIONS (AFOs)

An agricultural operation where animals are kept and raised in confined situations and feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

An agricultural operation which meets the definition of an Animal Feeding Operation (AFOs) and also meets certain criteria as established under legislation known as the Pennsylvania Nutrient Management Act, as amended

SECTION 3.

Article 5, Zoning District Regulations, Section 501.1, Permitted Uses in A-1 Districts is hereby amended, to delete the term “Agriculture”.

SECTION 4.

Article 5, Zoning District Regulations, Section 501.1, Permitted Uses in A-1 Districts is hereby amended, to include the term “Agricultural Operation.”

SECTION 5.

Article 5, Zoning District Regulations, Section 509.1, Permitted Uses in C-1 Districts is hereby amended, to delete the term “Agricultural Uses”.

SECTION 6.

Article 5, Zoning District Regulations, Section 509.1, Permitted Uses in C-1 Districts is hereby amended, to include the term “Agricultural Operation.”

SECTION 7.

Article 5, Zoning District Regulations, Section 501.3, Conditional Uses in A-1 Districts is hereby amended, to include:

- J. Animal Feeding Operation (AFOs) - Also refer to related requirements under Sections 604, 606 and 608.9

- K. Concentrated Animal Feeding Operations (CAFOs) - Also refer to related requirements under Sections 604, 606 and 608.9

SECTION 8.

Article 6, Conditional Uses, Section 605 is hereby amended to include the following Items.

- 21. Animal Feeding Operations (AFOs)
- 22. Concentrated Animal Feeding Operations (CAFOs)

SECTION 9.

Article 6, Conditional Uses, Section 608, Supplementary Regulations for Specific Uses is hereby amended to include Section 608.9 which shall read as follows:

Section 608.10 Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs)

- 1. The minimum parcel size shall not be less than one hundred (100) acres.
- 2. Buildings used for housing of animals shall not be less than two thousand five hundred (2,500) feet from any existing dwelling not located on the applicant's property. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act.
- 3. Excluding points of access, a buffer shall be provided consisting of two (2) staggered rows of evergreen trees planted around buildings used for housing of animals and structures for the storage of manure. The spacing distance between said trees shall not be greater than six (6) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. The type of evergreen trees selected for planting shall be subject to the approval of the Board of Supervisors. The applicant shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die, removed by whatever means or otherwise fail to grow.
- 4. A complete Nutrient Management Plan approved by the Commonwealth of Pennsylvania shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.
- 5. A complete Odor Management Plan approved by the Commonwealth of Pennsylvania shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.
- 6. In addition to the above requirements, the applicant shall comply with all other applicable provisions of the Salem Township Zoning Ordinance

7. The applicant shall provide copies of all written applications, filings, plans and materials that are required (Township, State and or Federal) as related to the proposed use and/or operation of an Animal Feeding Operation (AFOs) or a Concentrated Animal Feeding Operation (CAFOs).
8. No buildings associated with a CAFO or CAO operation shall be located within a Special Flood Hazard Area.

SECTION 10.

SEVERABILITY: If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 11.


REPEALING PROVISION: All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 12

EFFECTIVE DATE: This Ordinance shall become effective from the date of its approval and adoption as provided by law.

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF SALEM TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, THIS 13th DAY OF May, 2014

ATTEST:



Township Secretary

SUPERVISORS:

