

**ORDINANCE NO. 2020 - 5**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE AND  
ZONING MAP OF TOWAMENSING TOWNSHIP, CARBON  
COUNTY, PENNSYLVANIA, ENTITLED "THE TOWAMENSING  
TOWNSHIP ZONING ORDINANCE" ("ZONING ORDINANCE").**

**BE IT ENACTED** and **ORDAINED** by Towamensing Township, Carbon County, Pennsylvania, and **IT IS HEREBY ENACTED AND ORDAINED** by the authority of the same, that the following additions, deletions, and amendments be made a part of the Zoning Ordinance ("Ordinance"):

1. In Section 202 (Terms Defined):

- (a) the definition of "Agricultural Operation" shall be amended by adding the word "services" between the words "products" and "or commodities" and by adding the phrase "including equine operations" to the end of the definition. The definition of "Agricultural Operation" as revised shall be as follows:

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, services or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry, including equine operations.

- (b) the definition of "Animal Shelter" shall be amended by adding the words "profit or" between the words "other" and "nonprofit", and the phrase "but

not exotic animals" between the words "animals" and "and that is owned".

The definition of "Animal Shelter" as revised shall be as follows:

A facility used to house or contain stray, homeless, abandoned or unwanted animals (but not exotic animals) and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other profit or nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

- (c) the definition of "Livestock" shall be amended by adding "camelids", "bees" and "crickets". The definition of "Livestock" as revised shall be:

Any member of the avian, bovine, equine, porcine, ovine, camelids and piscine species, including but not limited to poultry, fowl, cows, steers, horses, ponies, pigs, sheep, bees, crickets, goats and fish.

- (d) the definition of "Manure Storage Facilities" shall be amended by adding the word "allowable" between the words "of" and "storage"; the phrase "with improved base" after the words "stacking area" and "aboveground storage"; before the words "aboveground storage" replace the word "and" with the word "or"; and, replacing the word "bank" with the phrase "berm or embankment". The definition of "Manure Storage Facilities" as revised shall be:

A detached structure or other improvement built to store manure for future use or disposal. Types of allowable storage facilities are as follows: underground storage, in ground storage, earthen berm or embankment, stacking area with an improved base, or aboveground storage with an improved base.

- (e) the definition of "Concentrated Animal Operation (CAO) and Concentrated Animal Feeding Operation (CAFO)" shall be amended by

adding the words "as amended" following the phrase "(ACRE – Act 38 of 2005)" and the phrase "Title 25, Chapter 83, of the PA Code".

- (f) the term "Terrace" shall be added and defined as follows:

A level area or platform near a building, constructed of bituminous pavement, concrete, paver blocks, or other impervious or semi-impervious surface; a patio or veranda.

- (g) the definition of the term "Lot, Corner" shall be amended by deleting the last sentence and replacing it with the following, "Corner lots shall have two (2) front yards and the remaining yards shall be side yards. See diagram on page 2-45." The definition of "Lot, Corner" as revised shall be as follows:

A lot which has an interior angle of less than one hundred thirty five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two (2) front yards and the remaining yards shall be side yards. See diagram on page 2-45.

- (h) the definition of "Floor Area, Gross" shall be deleted in its entirety and replaced by the following:

Floor Area (including Gross Floor Area And Total Floor Area) – The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls and to the centerline of party walls. The terms "Floor Area", "Gross Floor Area" and "Total Floor Area" shall all have the same meaning.

2. In Section 202 (Terms Defined), the following terms shall be deleted:



"Animal, Farm"

"Animal Husbandry"

"Riding Academy"

"Riding Club"

"Riding Stable"

"Riding Stable, Private"

"Riding Stable, Public"

"Stable, Commercial"

"Stable, Private"

3. Section 202 (Terms Defined) shall be amended by adding the terms "Private Livestock Operation" and "Commercial Livestock Operation", which shall be defined as follows:

Private Livestock Operation – The keeping, breeding, butchering, training and/or exhibiting of livestock for the private use of the owner of the lot or lots on which the livestock are kept, but not for hire or remuneration, except that livestock raised as part of a 4-H project (or similar activity) by minor children residing on the lot or lots where the livestock are raised may be sold for remuneration.

Commercial Livestock Operation – The keeping, breeding, butchering, training and/or exhibiting of livestock which does not qualify as a Private Livestock Operation, including boarding livestock.

4. Section 705 (A4) (Animal Husbandry), Section 705 (A8) Noncommercial Keeping of Horses) and Section 705 (A9) (Noncommercial Keeping of Livestock (excluding horses)) shall be deleted in their entirety and replaced by the following:

(A4) Private Livestock Operation, subject to the following specific criteria:

1. The use, including the number of livestock, shall be in compliance with the current state nutrient and manure management regulations.
2. All livestock must be controlled and/or contained at all times so as not to leave the property.
3. Pasture area shall be enclosed by a minimum four (4') foot high fence, which fence is located at least five (5') feet from all property lines.
4. The minimum front, side and rear setback distances shall be one hundred (100) feet for any livestock housing structures and for the indoor or outside storage of by-products or waste.
5. The owner of the livestock shall provide suitable shelter for the animal(s), shall exercise suitable control over the animal(s), and shall not allow a nuisance condition to be created in terms of excessive noise, odor or soil erosion.
6. State Protected Agricultural Operations – Nothing in this Zoning Ordinance is intended to preclude the rights and protections of normal agricultural operations afforded by the Pennsylvania Right To Farm law, as amended, 3 P.S. § 951 et seq., ; the Pennsylvania Agricultural Area Security Law, as amended, 3 P.S. § 901 et seq.; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land, which meet the minimum definition of normal agricultural operation as established by the applicable state statutes.
7. This section does not include Kennels (See Use Class A5)
8. A manure storage facility which is subordinate to a private livestock operation and located on the same lot as the private livestock operation is a permitted accessory use to the private livestock operation.

5. Section 705 (A7) (Riding Club or Riding Stable) shall be deleted in its entirety and replaced by the following:

(A7) Commercial Livestock Operation subject to the following specific criteria:

1. The use, including the number of livestock, shall be in compliance with the current state nutrient and manure management regulations.
2. All livestock must be controlled and/or contained at all times so as not to leave the property
3. Pasture areas shall be enclosed by a minimum of four (4) foot-high fence, which is located at least five (5) feet from all property lines.
4. Any structure used for the housing of livestock shall be set back at least two hundred (200) feet from any property line.
5. All facilities shall be maintained so to minimize odors perceptible at the property line. The owner of the livestock shall provide suitable shelter for the livestock, shall exercise suitable control over the livestock, and shall not allow a nuisance condition to be created in terms of excessive noise, odor or soil erosion.
6. All parking compounds and unimproved overflow parking areas shall be set back at least twenty (20) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.
7. No manure storage facility or sacrifice area shall be established closer than one hundred fifty (150) feet to any property line.
8. Any sign usage must be in compliance with Township Zoning regulations.



9. State Protected Agricultural Operations – Nothing in this Zoning Ordinance is intended to preclude the rights and protections of normal agricultural operations afforded by the Pennsylvania Right To Farm law, as amended, 3 P.S. § 951 et seq., ; the Pennsylvania Agricultural Area Security Law, as amended, 3 P.S. § 901 et seq.; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land, which meet the minimum definition of normal agricultural operation as established by the applicable state statutes.
10. A manure storage facility which is subordinate to a commercial livestock operation and located on the same lot as the commercial livestock operation is a permitted accessory use to a commercial livestock operation.

6. Section 705 (A8) (Manure Storage Facilities) shall be added and provide as follows:

Manure storage facilities shall be permitted as a conditional use in all zoning districts, subject to the general conditions stated in sections 703 and 704 and Article 12 of this Ordinance and the specific condition that it comply with the Nutrient Management Act 3, Pa. C.S.A. § 501 et seq., as amended, and the rules and regulations promulgated thereunder.

7. A new Section 705 (A9) (Animal Shelter) shall be added and provide as follows:

Animal Shelters are subject to the following specific criteria:

1. The use, including the number of animals, shall be in compliance with the current state nutrient and manure management regulations.
2. All animals must be controlled and/or contained at all times so as not to leave the property.

3. Pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least five (5) feet from all property lines.
4. Any structure used for the housing of animals shall be set back at least two hundred (200) feet from any property line.
5. All facilities shall be maintained so to minimize odors perceptible at the property line. The owner of the animal(s) shall provide suitable shelter for the animal(s), shall exercise suitable control over the animal(s) and shall not allow a nuisance condition to be created in terms of excessive noise, odor or soil erosion.
6. All parking compounds and unimproved overflow parking areas shall be set back at least twenty (20) feet from the adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.
7. No manure storage facility or sacrifice area shall be established closer than one hundred fifty (150) feet to any property line.
8. Any sign usage must be in compliance with Township Zoning regulations.
9. If an Animal Shelter is also a Kennel, the Animal Shelter must also comply with the specific criteria for a Kennel; and, to the extent of any conflict between the specific criteria set forth in this section, and the specific criteria applicable to a Kennel, the more restrictive criteria shall apply.

8. In Section 705 (H14) (B) regarding Accessory Methane Digester Systems, the reference to "705 (A12) (D)" shall be deleted and replaced by "705 (A12) (4)".

9. Section 621 (Projections Into Front Yards) shall be deleted in its entirety and replaced by the following:



## SECTION 621 PROJECTIONS INTO FRONT YARDS

A. The following projections into front yard areas are permitted:

1. Ground story bays and porches – for a total width of less than half the width of the overall front width of the building – for not more than five (5') feet into the front yard area.

2. Chimneys, flues, columns, sills, ornamental features, cornices, and gutters – for not more than two (2') feet into the front yard area.

3. Terraces – for not more than five (5') feet into the front yard area.

4. Hedges – if located outside of any clear sight triangle and outside of the existing street right-of-way area, and less than six (6') feet in height.

5. Fences and Walls – if located outside of any clear sight triangle and outside of the existing street right-of-way area. The street right-of-way line shall be delineated through the property at the site of the fence or wall prior to construction.

10 Section 622 (Fences and Terraces in Front Yards) shall be deleted in its entirety.

11. Section 625 (Projections Into Side Yards) shall be deleted in its entirety and replaced by the following:

## SECTION 625 PROJECTIONS INTO SIDE YARDS

A. The following projections into side yard areas are permitted:

1. Ground story bays and porches, and fire escapes – for a total width of less than  $\frac{1}{3}$  the width of the overall side width of the building – for not more than four (4') feet into the side yard area.

2. Chimneys, flues, columns, sills, ornamental features, cornices, and gutters – for not more than two (2') feet into the side yard area.

3. Terraces – for not more than five (5') feet into the side yard area.

4. Hedges – if located a minimum of six (6') feet from the side property line.

5. Fences and Walls – if located a minimum of six (6') feet from the side property line. The side property line shall be delineated through the property at the site of the fence or wall prior to construction.

12. Section 626 (Fences and Terraces in Side Yards) shall be deleted in its entirety.

13. Section 628 (Projections Into Rear Yards) shall be deleted in its entirety and replaced by the following:

#### SECTION 628 PROJECTIONS INTO REAR YARDS

A. The following projections into rear yard areas are permitted:

1. Ground story bays and porches, and fire escapes – for a total width of less than half the width of the overall rear width of the building – for not more than five (5') feet into the rear yard area.

2. Chimneys, flues, columns, sills, ornamental features, cornices, and gutters – for not more than two (2') feet into the rear yard area.

3. Terraces – for not more than five (5') feet into the rear yard area.

4. Hedges – if located a minimum of six (6') feet from the rear property line.

5. Fences and Walls – if located a minimum of six (6') feet from the rear property line. The rear property line shall be delineated through the property at the site of the fence or wall prior to construction.

14. Revisions to Section 505 (Table of Use Regulations) Amendments:

TYPE OF USE BY DISTRICT	CR- Conservation Recreation	RC- Rural Conservation	R- Residential	LC- Light Commercial	HC- Heavy Commercial	LI- Limited Industrial
<b>A- AGRICULTURAL USES</b>						
4. Private Livestock Operation	P	P	P	P	P	P
7. Commercial Livestock Operation	P	P	P	P	P	P
8. Manure Storage Facilities	C	C	C	C	C	C
9. Animal Shelter	N	N	N	P	P	P
12. Regional Methane Digester System	S	S	S	S	S	S

15. Section 641 (C) shall be deleted in its entirety and replaced by the following:

Except when parked within a completely enclosed building, no more than one (1) truck used for commercial purposes, including a tractor-trailer truck (a truck tractor physically connected with a trailer shall count as one truck) shall be parked on a single lot within a CR, RC, or R District. The truck shall not be parked in a street right-of-way.

16. The following changes shall be made to the zoning map:

A. Parcel ID: 28E-57-B101

Physical Location: 635 Stagecoach Road West

Owner: EISENHOWER, DWIGHT D

Location Description: south side of Interchange Road (SR 0209) between Hazlewood Road and Ruch Road – front portion of property only abutting south side of SR 0209 (approx. 500' deep x 1,775' wide)

Zoning Change: from R to LC



- B. Parcel ID: 27-56-A53  
Physical Location: 8005 Interchange Road  
Owner: ZACHARIAS, WILBERT E & ALEEN M  
Location Description: north side of Interchange Road (SR 0209) in vicinity of intersection with Stable Road – entire property  
Zoning Change: from R to LC
- C. Parcel ID: 16-56A20.03A  
Physical Location: 8035 Interchange Road  
Owner: ALTHOUSE, MARK W  
Location Description: north side of Interchange Road (SR 0209) in vicinity of intersection with Stable Road – entire property  
Zoning Change: from R to LC
- D. Parcel ID: 16-56-A50.02  
Physical Location: 385 Stable Road  
Owner: KLEINTOP, JOHN H JR & PENNY L  
Location Description: northeast corner of intersection of Stable Road and Strohl Valley Road – entire property  
Zoning Change: from R to RC
- E. Parcel ID: 16-56-A87  
Physical Location: Interchange Road  
Owner: DECKER, SANDRA L OSCIPOK  
Location Description: north side of Interchange Road (SR 0209) just west of intersection with Anderson Drive – entire property  
Zoning Change: from R to LC
- F. Parcel ID: 16-56-A71  
Physical Location: 745 Spruce Hollow Road  
Owner: SEIFERT, GUY & SUSY L  
Location Description: off north side of Spruce Hollow Road – entire property  
Zoning Change: from R to RC
- G. Parcel ID: 5-56-A26.05  
Physical Location: 160 Church Drive  
Owner: HAYDT, LYLE M & STORM, ABIGAIL K  
Location Description: off west side of Church Drive south of intersection with Firehouse Road and Spruce Hollow Road – entire property  
Zoning Change: from HC to RC
- H. Parcel ID: 15F-56-A2  
Physical Location: Pohopoco Drive  
Owner: HAYDT, LONNIE L & NANCY W

Location Description: northwest corner of intersection of Pohopoco Drive and Berger Street – entire property  
Zoning Change: from R to LC

- I. Parcel ID: 15F-56-A1  
Physical Location: 35 Berger Street  
Owner: HAYDT, LONNIE L & NANCY W  
Location Description: northwest corner of intersection of Pohopoco Drive and Berger Street – entire property  
Zoning Change: from R to LC

17. A new section 640 (E) shall be added and provide as follows:

E. The edge of all driveways shall be a minimum of ten (10') feet from the side property lines, except for shared access drives.

18. In section 705 (A12) (Regional Methane Digester System) the prefatory clause shall be amended by deleting the phrase "in the Rural Conservation (RC) District" so that the phrase as revised shall be:

Regional Methane Digester Systems are permitted by Conditional Use, subject to the following:

19. In section 505 (Table of Use Regulations). under section "C-Institutional and Recreational Uses" the following uses shall be renumbered as follows:

<u>CURRENTLY ARE:</u>	<u>WILL BE:</u>
<u>22. Amusement/Video Arcade/</u>	<u>21. Amusement/Video Arcade/</u>
<u>Pool/Billiard Hall</u>	<u>Pool/Billiard Hall</u>
<u>23. Continuing Care Retirement</u>	<u>22. Continuing Care Retirement</u>
<u>Community</u>	<u>Community</u>
<u>24. Hospital, Urgent, or Immediate</u>	<u>23. Hospital, Urgent, or Immediate</u>
<u>Care Clinic</u>	<u>Care Clinic</u>
<u>25. Resort</u>	<u>24. Resort</u>
<u>26. Crematorium</u>	<u>25. Crematorium</u>

20. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

21. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect nor impair any of the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

22. This Ordinance shall become effective five (5) days after the date of the date of the adoption hereof.

ENACTED AND ORDAINED this 30th day of December, 2020.

**BOARD OF SUPERVISORS  
TOWNSHIP OF TOWAMENSING**

ATTEST:

Jessica Mahur

[Signature]  
[Signature]  
[Signature]