

ORDINANCE NO. 591 - 2012

**AN ORDINANCE OF THE BOROUGH OF SINKING SPRING, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 196 OF THE CODE OF THE BOROUGH OF SINKING SPRING, ENTITLED "ZONING", BY PROVIDING FOR AN AGRICULTURAL ZONING OVERLAY DISTRICT, WHEREIN AGRICULTURAL USES CAN BE ENGAGED IN WITHIN THE BOROUGH OF SINKING SPRING.**

WHEREAS, the Borough of Sinking Spring has adopted a comprehensive zoning ordinance to promote, protect and facilitate the public health, safety, morals and general welfare through coordinated and practical community development; and

WHEREAS, the Borough Council of the Borough of Sinking Spring believes that amending the zoning ordinance to provide for the conducting of agricultural activities within the Borough shall provide for a more coordinated development of property throughout the Borough; and

WHEREAS, the Borough Council of the Borough of Sinking Spring desires to set forth regulations for the conducting of agricultural activities within the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Sinking Spring, County of Berks, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Chapter 196, Article V, Section 501A et seq. of the Code of the Borough of Sinking Spring is hereby created and enacted, shall read as follows:

§501A PURPOSE.

It is the purpose of this overlay district to provide for the orderly and efficient conducting of agricultural activities on large parcels of land within the R-1 Suburban Residential zoning district, it being recognized that such activities promote economic growth and a sense of community by providing an opportunity for entrepreneurial and educational activities.

§502A DEFINITIONS.

1. Animal Density - Is the maximum number of animals permitted on an acre. In calculating maximum numbers of animals, any fraction of an animal is to be disregarded.
2. Agriculture - The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, or other products.

3. Cage - A four sided enclosure used for the keeping of small animals. This enclosure must also contain a roof and floor. This definition is meant to include hutches; however, this excludes chicken coops which allow the animals to still have free range.
4. Domesticated Animals - Any of various that have been tamed and made fit for a human environment, excluding exotic animals and any potential harmful predators.
5. Exotic Pet - A rare or unusual animal pet, or an animal kept as a pet which is not commonly thought of as a pet.
6. Livestock, Large - Large animals, including sheep, goats, llamas, ostriches, steers, cows, hogs, horses, and other similar animals (as determined by the Zoning Officer).
7. Livestock, Small - Small animals, including rabbits, chickens, turkeys, geese and other similar animals (as determined by the Zoning Officer), excluding roosters and swine.
8. Lot Area - Area of an individual property according to the Berks County Tax Maps.
9. Outdoor Animal - An animal that is kept outside.
10. Pet - An animal customarily kept inside the primary residence and occasionally visits the outdoors.
11. Prey Animals - Animals customarily considered as food for other animals native to the area.

§503A APPLICABLE ZONING DISTRICTS.

Agricultural Activities shall be permitted upon the following parcels of land having Berks County Parcel Identification No.:

1. 79438605191385
2. 79438605082583
3. 79437612977289

located within the R-1 Suburban Residential zoning district of the Township subject to the Conditions and Operational Standards contained within this Article.

§504A CONDITIONS.

1. All structures used for housing livestock must be set back at least one hundred (100) feet from all property lines.
2. Manure and compost areas must be set back at least one hundred (100) feet from all property lines.

3. The site must be designed and maintained so that runoff from manure or compost storage areas will not drain onto adjacent properties.

4. Fencing/cages are required for any operation involving the keeping or raising of domesticated animals, as permitted by this ordinance.

5. For animals typically considered as prey, the animals must be kept in individual cages and the caged area must be surrounded by a separate perimeter fence.

6. Property must be kept clean and precautions must be taken to control vermin/bees/flies from neighboring properties. This includes the storage of manure or compost which shall not exceed eight (8) cubic feet.

7. The minimum lot area and maximum animal density shall be as follows:

A. Small Livestock:

Minimum lot area of five (5) acres is required

No roosters are allowed on lots less than five (5) acres

Four (4) caged animals per acres are permitted in the overlay district

B. Large Livestock:

Minimum lot area of five (5) acres is required

Two (2) animals per acre (except horses, cows, steer, buffalo)

Two and one half (2.5) acres is required for horses, cows, steer, buffalo

Minimum lot area of ten (10) acres is required for keeping of swine

#### §505A OPERATIONAL STANDARDS

1. Synthetic pesticides, herbicides and chemicals may be applied and stored only in accordance with applicable State and Federal regulations.

2. No controlled substances as defined by the Commonwealth of Pennsylvania's Controlled Substances, Drugs, Devises and Cosmetic Act may be grown, harvested or sold at the site.

3. The owner of the domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

4. Permits are required for any agricultural use.

#### §506A APIARY OR HONEYBEE KEEPING PERMITTED BY SPECIAL EXCEPTION SUBJECT TO THE FOLLOWING CONDITIONS.

1. Bee Keeping must comply with the Pennsylvania Bee Law (3PA.C.S.A., articles 2101 to 2117).

2. Bee Keeping shall adhere to applicable portions of “The Best Management Practices for Safe Urban Bee Keeping”, as found on the website for the New York City Beekeepers Association.

3. The hive must be setback from any adjoining property, street line, or access right-of-way a minimum of thirty (30) feet.

4. The base of any hive which is within thirty (30) feet of another property, street, or right-of-way line be a minimum of six (6) feet above the level of the surrounding ground.

5. The Special Exception conditions contained in Section 804 of the Zoning Ordinance.

SECTION 2. Inconsistent Ordinances Repealed. All ordinances or parts of ordinances conflicting with any provisions of this Ordinance are hereby repealed, insofar as the same effects this Ordinance.

SECTION 3. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or words in this Ordinance is for any reason declared to be illegal, invalid or unconstitutional by any court of competent jurisdiction, this decision shall not effect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Borough Council of the Borough of Sinking Spring, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases or words that may be declared illegal, invalid or unconstitutional.

SECTION 4. Effective Date. This Ordinance shall become effective on the earliest date permitted by law.

SECTION 5. Code of Ordinances. The Code of the Borough of Sinking Spring, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances upon adoption.

ENACTED and ORDAINED as an ordinance of the Borough of Sinking Spring this 3rd day of May, 2012 in lawful session duly assembled.

BOROUGH OF SINKING SPRING

BY: [Signature]  
President of Borough Council

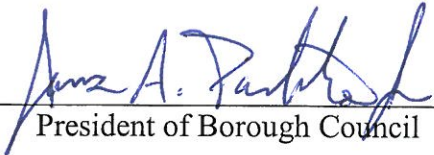
ATTEST: [Signature]  
Secretary of the Borough

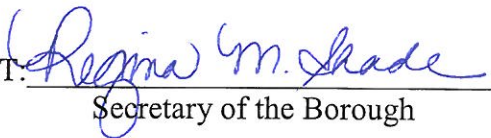
APPROVED as an ordinance this peto day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ENACTED and ORDAINED as an ordinance of the Borough of Sinking Spring this 17th day of June, 2012 by the Borough Council of the Borough of Sinking Spring in lawful session duly assembled by a vote of 5 to 2 in favor of enactment, overriding the Mayor's veto of May 3, 2012.

BOROUGH OF SINKING SPRING

BY:   
President of Borough Council

ATTEST:   
Secretary of the Borough