

ORANGE TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF ORANGE TOWNSHIP, COLUMBIA COUNTY, PENNSYLVANIA, TO:

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Orange Township, Columbia County, Pennsylvania by authority of and pursuant to the Pennsylvania Municipalities Planning Code, Act of July 31, 1968 (P.L. 805, No. 247), as reenacted and amended:

THE ORANGE TOWNSHIP ZONING ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

ITEM 1 - ADD AND AMEND CERTAIN DEFINITIONS TO ARTICLE III AS FOLLOWS:

Feed Lot - An outdoor area enclosed by a fence or similar structure where livestock is confined for feeding.

Lot, Flag: A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining street as may be approved in accord with the Subdivision and Land Development Ordinance. (See §502.4 for *flag lots*.)

Lot Depth: The average horizontal distance between the front lot line and the rear lot line. In the case of flag lots, the depth measurement shall not include the access corridor but shall be made on the main portion of the lot. (See §502.4 for *flag lots*.)

Lot Line, Front: The line separating the lot from a street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line. (See §502.4 for *flag lots*.)

Lot Width: The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in the Subdivision and Land Development Ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required. In the case of flag lots, the width measurement shall not include the access corridor but shall be made on the main portion of the lot. (See §502.4 for *flag lots*.)

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines. In the case of flag lots, the front setback shall be measured from the lot line which abuts the access corridor.

ITEM 2 - AMEND PART 3 AND PART 5 OF THE SCHEDULE OF DEVELOPMENT STANDARDS TO READ:

PART 3 LOT DIMENSIONS FOR DWELLINGS ON EXISTING LOTS OR LOTS PLANNED AS PART OF A STANDARD SUBDIVISION (see §601 for conservation design subdivisions)				
SINGLE-FAMILY and TWO-FAMILY residential in all districts where permitted (see §602 for additional two-family dwelling standards)				
STANDARD (see §911 for nonconforming lots)	LOT SIZE			
	Equal to or greater than			Less than
	2.0	1.0	0.5	0.5
Minimum Yards for Proposed Lots and Existing Lots (i.e., building setbacks) (see §503 for accessory structures)				
Fronting on Route 487 or Route 93	40 feet from edge of road right-of-way or 80 feet from road centerline, whichever is greater			
Fronting on all other roads (measured from road right-of-way in feet)	30	30	30	30
Rear (feet)	20	20	20	20
Side (feet)	20 each side	20 each side	10 one side 25 combined	10 each side
Buffers for wetlands and water bodies	see §704.2, §704.3			
Lot Dimensions for Proposed Lots				
Minimum width (feet)	200	125	100	new lots < 0.5 acres not permitted
Maximum depth-to-width ratio*	4 : 1	3.5 : 1	3.5 : 1	
Maximum lot coverage (percent) total of all proposed and existing impervious surfaces	20	20	25	30
MULTI-FAMILY DWELLINGS - see §603. MOBILE HOMES PARKS - see §607				
*The intent of the depth-to-width ratio is to prevent the creation of long narrow lots. For the purposes of calculation, the longer dimension shall be considered the depth and the shorter dimension shall be considered the width, irrespective of which dimension is considered the front lot line. When the lot width exceeds 300 feet the depth-to-width ratio does not apply.				

PART 5 LOT DIMENSIONS FOR NONRESIDENTIAL USES				
STANDARD (see §911 for nonconforming lots)	LOT SIZE			
	Equal to or greater than			Less than
	2.0	1.0	0.5	0.5
Minimum Yards for Proposed Lots and Existing Lots (i.e., building setbacks) (see §503 for accessory structures)				
Front on Route 487 and Route 93	40 feet from edge of road right-of-way or 80 feet from road centerline, whichever is greater			
Front on all other roads measured from road right-of-way (feet)	30	30	30	30
Rear (feet)	20	20	20	20
Side (feet)	20 each side	20 each side	15 each side	15 each side
Buffers for wetlands and water bodies	see §704.2, §704.3			
Lot Dimensions for Proposed Lots - see the Subdivision and Land Development Ordinance				
Minimum width (feet)	200	125	100	new lots < 0.5 acres not permitted
Maximum depth to width ratio*	4 : 1	3.5 : 1	3.5 : 1	
Maximum lot coverage (percent) total of all proposed and existing impervious surfaces	60	60	60	60
*The intent of the depth-to-width ratio is to prevent the creation of long narrow lots. For the purposes of calculation, the longer dimension shall be considered the depth and the shorter dimension shall be considered the width, irrespective of which dimension is considered the front lot line. When the lot width exceeds 300 feet the depth-to-width ratio does not apply.				

ITEM 3 - ADD THE FOLLOWING §502.4:

502.4 Flag Lots

In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line. The access corridor to the street shall not be less than twenty-five (25) feet in width. Lot width and depth measurements shall not include the access corridor but shall be made on the main portion of the lot. The front setback shall be measured from the lot line which abuts the access corridor.

ITEM 4 - ADD THE FOLLOWING SUB-SECTION C TO §503.1 ACCESSORY STRUCTURES:

C. Mobile Homes Prohibited - A mobile home shall not be used as an accessory structure.

ITEM 5 - REVISE SUB-SECTION D OF §503.6 PRIVATE OUTDOOR SWIMMING POOLS AS FOLLOWS:

D. Access to all pools shall be restricted when the pool is not in use whether by fence, wall or integrated in the design of the pool. A pool cover shall not be deemed adequate to meet this requirement. The required fence, wall or other enclosure shall be erected around the pool construction within thirty (30) days of issuance of the zoning permit for the pool. A temporary fence may be used during construction, however, such fence shall be a minimum of four (4) feet in height and of such design as to restrict access as required by this §503.6. The

permanent fence, wall or integral design feature shall be installed immediately upon completion of pool construction and prior to the issuance of a certificate of use.

ITEM 6 - REVISE THE OPENING PARAGRAPH OF §701 TO READ AS FOLLOWS:

701 Performance Standards Applicable to All Uses in All Districts

The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §701 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses (including concentrated animal feeding operations), and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.

ITEM 7 - ADD THE FOLLOWING §707:

707 Traffic Impact

Traffic impact studies are required for certain activities to enable the Township to assess the effect on the transportation system in and around the Township and:

- A. Ensure that proposed uses do not adversely affect the transportation network.
- B. Identify any traffic problems associated with site access.
- C. Determine traffic problems on private, Township, County or State roads in the project traffic study area.
- D. Assist in the protection of the safety of the motoring public, air quality, and energy conservation.
- E. Determine if the proposed use shall be permitted at the proposed location based on the ability of the road network to handle the impact of the proposed use.

707.1 Traffic Impact Study Requirement.

- A. Thresholds - A Traffic Impact Study shall be required for all subdivisions and land developments that, at buildout, are projected to generate fifty (50) or more trip-ends per project peak hour or five hundred (500) trip-ends per day or more based on the latest edition of Trip Generation published by the Institute of Transportation Engineers. A Traffic Impact Study shall also be required for additions to a use, changes of use and replacements of non-conforming uses that increase the total traffic (existing plus new traffic) above the peak hour or daily thresholds.
- B. Other Projects - The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential impacts, require the developer to prepare and submit to the Township an environmental assessment (EA) for the following types of developments and uses listed below and any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the traffic study to determine if the use shall be permitted at the proposed location. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the Traffic Impact Study should such components be deemed unnecessary for certain uses.

1. Industrial parks
2. Light manufacturing or manufacturing or industrial uses
3. Junkyards
4. Mineral extraction
5. Mineral processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Concentrated animal feeding operations

707.2 Professional Requirements

The Traffic Impact Study shall be prepared by a registered professional traffic engineer or transportation planner with verifiable experience in preparing such studies.

707.3 Study Methodology and Area

- A. Methodology - The Traffic Impact Study shall be in accordance with the Institute of Transportation Engineers recommended Methodology and Pennsylvania Department of Transportation Guidelines.
- B. Study Area - The study area for the traffic study shall be based on engineering criteria and an understanding of existing traffic conditions at the site. It shall represent that area likely to be affected by the development, where highway users are likely to experience a change in the existing level of service. The study limits shall be initially agreed upon by the developer, his engineer and the Township. The study area shall be specifically subject to the approval of the Township with the advice of the Township Engineer and/or a qualified traffic engineer.

707.4 Study Contents

The Traffic Impact Study shall contain the following elements:

- A. The study area boundary and identification of the roadways included within the study area.
- B. A general site description, including:
 1. Size, location, existing and proposed land uses and dwelling types, construction staging, and completion date for the proposed project.
 2. Existing land uses, approved and recorded subdivision and land developments and subdivisions and land developments proposed but not yet approved and recorded in the study area that are agreed upon by the Township, developer, and traffic engineer as having bearing on the developer's likely impact shall be described and considered.
 3. Within the study area, a description of existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies or private parties.
- C. An analysis of existing conditions, including:
 1. Daily and Peak Hour(s) Traffic Volumes - Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and mainline volumes shall be presented for the three peak hour conditions (AM, PM and site generated). However, only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.

2. Volume/Capacity Analyses at Critical Points - Utilizing techniques described in the Highway Capacity Manual Transportation Research Board Special Report 209 (1985 or latest edition) or derivative monographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 3. Level of Service at Critical Points - Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented. Included in this section shall also be a description of typical operating conditions at each level of service.
 4. Accident Locations - A tabulation of accident locations during the most recent three-year period.
 5. Weight Limitations - A discussion of any existing road or bridge weight limitations and the actual capacity of the roads and bridges to carry the proposed weights of vehicles necessary to service the proposed use.
 6. Traffic Composition - An analysis of the existing composition of traffic (cars, school buses, trucks, etc.), the volume of each type, time of day considerations in terms of peak volumes of each, and how the proposed use will affect such traffic movement. Particular attention shall be given to the effect on school bus traffic.
- D. An analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development. The following information shall be included:
1. Daily and Peak Hour(s) Traffic Volumes - This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. Regardless of the methods and other assumptions used, no Traffic Impact Study shall assume less than two (2) percent per year growth in traffic levels without the proposed development unless there are particular limitations applicable to a given highway that prevent such growth from being realized (e.g. a dead-end road with no room for further development). Schematic diagrams depicting projected future daily and peak hour(s) traffic volumes shall be presented for the roadways within the study area. Projected turning movement and mainline volumes shall be presented for the three peak hour conditions (AM, PM and site generated). The source and/or method of computation for all projected traffic volumes shall be included.
 2. Volume/Capacity Analyses at Critical Locations - The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation the volume/capacity analysis shall be presented for these conditions.
 3. Levels of Service at Critical Points - Based on the results obtained in the previous section, levels of service (A through F) shall be determined.
- E. Trip Generation - The amount of traffic generated by the site shall be presented in this section for daily and the three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township. Trip Generation (latest edition) published by the Institute of Transportation Engineers shall be used unless the Township approves other studies.
- F. Trip Distribution - The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work shall be clearly stated in order that the Township can replicate these results.

- G. Traffic Assignment - This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with the projected future traffic volumes without the project to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposed.
- H. Analysis of Future Conditions with Development - This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site. Any unique characteristics of the site or within the study area (i.e., holiday shopping) affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made. The following information shall be included:
1. Daily and Peak Hour(s) Traffic Volumes - Mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways for the appropriate time periods.
 2. Volume/Capacity Analysis at Critical Points - A volume/capacity analysis comparable to those required above, for existing conditions and projected future conditions without the project, shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
 3. Levels of Service at Critical Points - As a result of the volume/capacity analysis, the level of service on the study area roadway system shall be computed and described in this section.
- I. Recommended Improvements - Should the analysis indicate that unsatisfactory levels of service (levels of service D, E or F) as described in Highway Capacity Manual (Transportation Research Board Special Report 209 - 1985 or latest edition) will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. Such proposals shall not include committed projects by the Township and State that have been described and analyzed as required above. The following information shall be included:
1. Proposed Recommended Improvements - This section shall describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates.
 2. Signs - Specific recommendations shall be included for the placement of traffic control signs (Stop signs, speed limit signs, no parking signs, etc.) conforming to state and Township regulations.
 3. Volume/Capacity Analysis at Critical Points - Another iteration of the volume/capacity analysis shall be described which demonstrates the anticipated results of making these improvements.
 4. Levels of Service at Critical Points - As a result of the revised volume/capacity analysis presented in the previous subsection, levels of service for the highway system with improvements shall be presented.
- J. Conclusion - The last section of the report shall be a clear concise description of the study findings. This concluding section shall serve as an executive summary.

ITEM 8 - REVISE §810 TO READ AS FOLLOWS:

810 Concentrated Animal Feeding Operations

This section is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supercede the Pennsylvania Nutrient Management Act in terms of regulation

of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act, and all information and studies required by this section shall, at a minimum include the information required by the Act.

810.1 Use Classification

Concentrated animal feeding operations shall be considered conditional uses.

810.2 Definition and Calculations

- A. Concentrated Animal Feeding Operation (CAFO) - Any operation which involves the raising of livestock or poultry where the animal density exceeds, on an annualized basis, two (2) animal equivalent units per acre of crop land or land suitable for application of animal manure. Acres suitable for application of manure include owned or rented crop land, hay land or pasture land that (1) is an integral part of the operation and (2) is or will be used for the application of manure from the operation. Farmstead (a minimum deduction of 2 acres is required) and forest land do not qualify.
- B. Animal Equivalent Unit (AEU) - One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of animals. To determine the number of AEU's associated with an operation the following formula shall be used:

$$\# \text{ of AEU's} = \frac{(\# \text{ of animals}^*) (\text{animal weight in pounds}) (\# \text{ of production days per year})}{(365 \text{ days per year}) (1,000 \text{ pounds})}$$

*NOTE: average number on a typical production day

810.3 Standards

The following standards shall be applied to all CAFO's and no conditional use approval shall be granted until all required information and plans have been submitted by the applicant and have been approved by the Township. Failure of the applicant to implement any of the required plans shall constitute a zoning violation subject to the penalties and remedies contained in this Zoning Ordinance.

- A. The applicable standards of §701 shall apply and an Environmental Assessment shall be prepared by the applicant in accord with §703.
- B. CAFO buildings used for housing of animals, feed lots, and other indoor or outdoor areas used for the concentrated confinement of animals shall not be less than two hundred fifty (250) feet from any property line and not less than five hundred (500) feet from any existing dwelling not located on the land with the CAFO.
- C. Buffers shall be provided in accord with §701.1 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.
- D. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared.
- E. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies
- F. The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.

- G. The applicant shall dispose of solid and liquid waste daily in the manner that will avoid creating insect or rodent problems and minimize odor. This shall not apply to manure which is handled in accord with the required nutrient management plan.
- H. CAFO's shall be located only where the roads serving the location are adequate to carry the volume and weight of the anticipated traffic. Such determination shall be made by the Township based on a traffic study conducted in accord with §707. The traffic study and plan shall establish the most direct proposed route or routes for vehicles serving the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.
- I. The operation and day-to-day maintenance of the facility shall comply with all applicable local, state and federal statutes, rules, regulations and ordinances as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. The applicant shall obtain all required local, state and federal as a condition of Township approval. A copy of all written applications, filings, plans and materials that are filed before any local, state and federal agency or which relate to other ordinances of the Township shall be concurrently submitted to the Zoning Officer.

ITEM 9 - REVISE §810 TO READ AS FOLLOWS:

848 Solid Waste

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in the Schedule of Uses, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §848.

848.1 Traffic Study

The facilities shall be located only where the roads serving the location are adequate to carry the volume and weight of the anticipated traffic. Such determination shall be made by the Township based on a traffic study conducted in accord with §707. The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.

848.2 Standards

- A. Parcel Size and Property Line Setbacks - No part of any facility expanded or created after the effective date of this Ordinance shall be located closer than one hundred (100) feet to an existing public right-of-way. The yard areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer (see definition) not less than fifty (50) feet in width shall be provided in all yards.
- B. Nuisances - Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant/operator shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract. The applicant/operator shall provide documentation to the satisfaction of the Board of Supervisors that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.
- C. Buffers - Buffers shall be provided in accord with §701.1 to minimize facility visibility from adjoining properties and minimize sound and odor emanating from the property.

848.3 State and Federal Regulations and Reporting - The operation and day-to-day maintenance of the facility shall comply with all local, state and federal statutes, rules, regulations and ordinances as a condition of the continuance

of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable regulations it is intended for the purposes of this §848 that the more stringent requirements shall apply, unless the local standard is pre-empted. A copy of all written applications, filings, plans and materials that are filed before any local, state and federal agency or which relate to other ordinances of the Township shall be concurrently submitted to the Zoning Officer.

BE IT HEREBY ENACTED AND ORDAINED this **5th Day of January of 2004** by the Board of Supervisors of Orange Township, Columbia County, Pennsylvania.

Supervisor

Supervisor

Supervisor

ATTEST:

Secretary