

PUBLIC HEARING

MONDAY, AUGUST 12, 2013

6:45 P.M.

(Started at 7:08 P.M.)

130327

Roll Call

Dave Buchewicz presiding. Board members Walt Sackinsky and Ed Snee were present. Also in attendance were: Karen Fosbaugh, Township Manager; Deputy Chief Dennis M. McDonough; Paul J. Gitnik, Township Solicitor, and Jordanna Lehman, Administrative Assistant.

Purpose of Hearing

The purpose of the Public Hearing is to take oral or written testimony on the following Ordinance:

ORDINANCE NO. 665

AN ORDINANCE OF THE TOWNSHIP OF SOUTH PARK, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 556, AS AMENDED, ENTITLED "SOUTH PARK TOWNSHIP ZONING ORDINANCE" TO: (1) ADD DEFINITIONS FOR AGRICULTURE, APICULTURE, FARM AND HOBBY FARM (2) AUTHORIZE FARM AND HOBBY FARM AS USES BY SPECIAL EXCEPTION IN THE R-1 DISTRICT; AND (3) ADD EXPRESS STANDARDS AND CRITERIA FOR FARMS AND HOBBY FARMS.

Testimony

Solicitor Paul Gitnik – None at this time.

Roberta Sarraf, Planning Consultant – Ms. Sarraf stated that the current zoning ordinance does not address agricultural activities within the Township. It does state that in the zoning district regulations that a farm requires 10 acres of land. Mr. Wargo has received a number of inquiries about urban agriculture, which people want to do as a hobby or as a subsistence of raising small animals. In order to modify the zoning regulations to address this issue, they had to clarify the difference between a farm and what some of the standards would be if it is done as a hobby or on a 10-acre site. A five-acre site was selected for a hobby farm. This is similar to what is in place for people who want to have horses within the community. They are allowing for animals on a five-acre hobby farm site subject to a number of criteria that would be reviewed by the Township Zoning Hearing Board in order for the

Township applicant to have approval. Ms. Sarraf said that no roosters are permitted on a hobby farm. The maximum number of hens is 20 and there are a number of requirements regarding space and nesting boxes. In all agricultural activities, there are setback requirements for buildings where animals are kept or feed is stored. Ms. Sarraf said they are limiting small animals, such as rabbits, homing pigeons, and ducks on the hobby farm to a maximum number of 20. The limit for large farm animals, such as sheep, goats, pigs, cows and similar animals is three on a five acre site. There are no such limitations on a 10 acre farm site. Ms. Sarraf stated that the setback requirements apply whether it is a five acre site or a 10 acre site. Ms. Sarraf said there is cross reference to the Exotic Animal ordinance, which prohibits certain exotic animals from being kept anywhere within the Township.

Mr. Buchewicz asked Ms. Sarraf to explain about grandfathering of properties for those who already have farms. Ms. Sarraf stated that there are several properties within the community that have existing agricultural activities on site that are not 10 acres in size. These are called legal nonconforming uses. They are permitted to continue operating as such. They can change their activities or sell to others without any further permission from the Township. Ms. Sarraf said the nonconforming use status pertains to the current owners or any future owners. The Township will register those properties so everyone in the Township administration, whether current or future employees, will know where those properties are located. Ms. Sarraf stated that this ordinance does not apply to those who are grandfathered but only to those, from this point forward, who would wish to establish a farm or hobby farm.

Gary Wargo, Code Enforcement Officer – No comments.

Supervisor Snee – No comments.

Supervisor Sackinsky – No comments.

Supervisor Buchewicz – No comments.

Paul Gitnik, Township Solicitor – Mr. Gitnik asked Mr. Wargo to place the dates the ordinance was advertised to be placed into the records as exhibits.

Karen Fosbaugh, Township Manager – Mrs. Fosbaugh advised that the ordinance was advertised.

Mary Franko, 1852 Patricia Drive, South Park – Mrs. Franko said it was her understanding that there was a way for a property that was grandfathered to no longer be such when the farming activities on the property stopped. She asked if that period of time is two years. Mrs. Fosbaugh advised that it is one year. Mrs. Franko asked if the grandfathered activities on the property are stopped for one year, does the grandfather status stop. Mr. Gitnik clarified that there are ways, such as a fire, that would stop the activities on the property as well. Mrs. Franko wanted to clarify that a property could lose its grandfather status if the activities are stopped for one year. Mrs. Fosbaugh stated that is correct but is true of any zoning nonconforming use. Mrs. Franko asked how they would know if the activity for which a property is grandfathered, is no longer being done. Mr. Gitnik advised that this is the reason for a property owner to register their property with the Township if it has a nonconforming use. The registering of the property allows the Township to know what the use is. Mrs. Franko said that she also understood that a 10 acre site, used for farming, is to receive a certain amount of profit per year in order to be considered a farm. Ms. Sarraf commented that it is stated that on a hobby farm, a person cannot receive a profit because it is for a hobby and for your personal use.

Adjournment

Motion by Mr. Sackinsky, seconded by Mr. Snee to adjourn the Public Hearing. All members voted aye. Motion carried.

Time: 7:17 p.m.