

## ARTICLE II - DISTRICT REGULATIONS

### SECTION 200 AGRICULTURAL DISTRICT (A-1)

200.1 PURPOSE AND INTENT - The purpose of the A-1 Agricultural District is to promote the continuation of agricultural activities and the protection of agricultural land in those areas most suitable for farming. Areas included in the A-1 District have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. This District also intends to protect and stabilize the Township's viable agricultural economy by eliminating Uses that are incompatible with farming, but permitting Farm occupations and limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this District must be willing to accept the impacts associated with normal farming practices and related businesses. Finally, the provisions of this District have been specifically formulated to further the objectives of the Municipalities Planning Code which provides that local Zoning ordinances shall be designed "to preserve prime agriculture and farmland considering topography, soil type and classification, and present use."

200.2 AGRICULTURAL NUISANCE DISCLAIMER - All lands within the Agricultural District are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience and/or discomfort arising from agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, night and weekend operations, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

Applicants for subdivision or Land Development for non-farm purposes shall include the foregoing paragraph "Agricultural Nuisance Disclaimer" as a plan note on all subdivision plans. Similarly, the issuance of building permits for non-farm purposes shall be conditioned on the Applicant's signing a statement that he/she has read Section 200.2 of this Ordinance, including the foregoing disclaimer.

### 200.3 PERMITTED USES

- A. Accessory Uses customary and incidental to Single Family Detached Dwellings.

- B. Agricultural Composting, subject to Section 403.
- C. Agricultural Uses, including the direct sale to the public of agricultural products produced principally on the Farm where the sales are occurring.
- D. Bed and Breakfast Establishments, subject to Section 408.
- E. Composting Residential, subject to Section 416.
- F. Dog Kennels with twenty (20) or fewer animals, subject to Section 419.
- G. Group Day Care facilities, subject to Section 432.
- H. Farm Dwellings, incidental to the primary agricultural use of the property.
- I. Farm-Related Businesses, subject to Section 426.
- J. Harvesting of timber grown on Premises, subject to Section 327.
- K. Home Occupations, subject to Section 434.
- L. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative materials.
- M. Intensive Commercial Livestock Operations, subject to Section 438.
- N. Keeping of Livestock on Lots under twenty (20) acres in size, subject to Section 440.
- O. Municipal Facilities.
- P. Private Shooting Range, subject to Section 452, and requiring an earthen backstop.
- Q. Public utilities.
- R. Roadside stands of agricultural products, subject to Section 448.
- S. Single-Family Detached non-farm Dwellings on a Lot of record existing as of the effective date of this Ordinance, or Lot lawfully created thereafter for Single Family Dwelling purposes pursuant to

the terms of this Ordinance, subject to Section 454 and Section 303.

- T. Structures and facilities contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the Farm where the farming is occurring, including, but not limited to the following:
  - 1. Barns, silos, corn cribs, grain and feed storage bins, poultry houses, mushroom houses, equipment and supply storage and repair buildings for the farm's equipment.
  - 2. Manure handling and storage facilities, subject to Section 442.
  - 3. Other similar Accessory Structures necessary for the proper operation of agricultural activities.
- U. Temporary Farm Employee Housing subject to Section 457.
- V. Solar Energy Systems, Small, subject to Section 456.1.
- W. Wind Energy Systems, Small, subject to Section 462.1.
- X. Geothermal Energy Systems, subject to Section 429.
- Y. Wood Furnaces, subject to Section 463.
- Z. Manure Digester, Small, subject to Section 421.

200.4 SPECIAL EXCEPTIONS (Subject to the review procedures listed in Section 606 of this Ordinance)

- A. Agricultural Businesses Engaged in the Selling, Processing or Storage of Products to be Used by Farmers in the production of crops, horses, cattle, other Livestock, and poultry, such as: fertilizer, animal feed, medical additives, animal health aids, lime, chemicals used for killing weeds, etc., subject to Section 402.
- B. Animal Hospitals, Veterinary Facilities, subject to Section 405 and Kennels subject to Section 419.
- C. Campgrounds, subject to Section 410.
- D. Conversion Apartments, subject to Section 418.

- E. Event Barns, subject to Section 468.
- F. Greenhouses exceeding 5,000 square feet, subject to Section 431.
- G. Limited Wineries, subject to Section 441.
- H. Private Clubs, subject to Section 445.

200.5 CONDITIONAL USES (Subject to review procedures listed in Section 701 of this Ordinance)

- A. Excavating, quarrying, mining, removal or the processing of sand, gravel, clay, shale, limestone, or other natural formations, subject to Section 425.
- B. Sawmills (Small Scale), subject to Section 449.
- C. Churches and related uses, subject to Section 412.
- D. One Room Schools, subject to Section 446.
- E. Communication Antennas, Towers and Equipment, subject to Section 415.
- F. Commercial Shooting Ranges, subject to Section 451.
- G. Commercial Composting (Including Spent Mushroom Soil Composting or Preparation), subject to Section 417.
- H. Elder Cottage Housing Opportunity Units (ECHO), subject to Section 424.
- I. Golf Courses, subject to Section 430.
- J. Dog Kennels with more than twenty (20) animals, subject to Section 419.
- K. Manure Digester, Large, subject to Section 420.
- L. Solar Energy Production Facilities, Large, Roof Mounted Only, Subject to Section 456.2.

200.6 MAXIMUM NUMBER OF PERMITTED NEW LOTS/DWELLING UNITS

- A. Subject to the criteria of Section 454 and all dimensional and other governing criteria, for each tract of contiguous land in single

ownership (parent tract) as of September 8, 1992, there may be New Single Family Living Units created, according to the following schedule:

NOTE 1: The rights hereunder shall count and include any and all subdivisions for a Single-Family Detached non-farm Dwelling, attached non-farm Dwelling, Conversion Apartment, waiver of Land Development or Farm Dwelling (regardless if attached or detached), New Single Family Living Unit, and Farm Use from the parent tract since September 8, 1992.

NOTE 2: The phrase New Single Family Living Unit shall mean creation of an additional unit of housing for human occupancy including, without limitation, by means of adding of any or all of the following to a given tract:

- a. A Single-Family Detached non-farm Dwelling;
- b. A Farm Dwelling;
- c. An attached non-farm Dwelling, such as converting a "one-unit" to a "two-unit";
- d. Otherwise adding an apartment unit to such a tract;
- e. An ECHO housing unit or similar, unless and until such time such unit is relinquished (see Subsection C, below);
- f. A Farm employee housing unit; and
- g. Subdivision of an additional parcel from the tract where such additional parcel is intended to have a Dwelling Unit or any of a. through f, above.

Acreage of Parent Tract	Maximum Number of New Single Family Living Units
2 to 25	1
Greater than 25 to 50	2
Greater than 50 to 75	3
Greater than 75 to 100	4

Acreage of Parent Tract	Maximum Number of New Single Family Living Units
Greater than 100 to 125	5
Greater than 125 to 150	6
Greater than 150 to 175	7
Greater than 175 to 200	8
Greater than 200 to 225	9
Greater than 225 to 250	10
Greater than 250 to 275	11
Greater than 275 to 300	12
Greater than 300 to 325	13
Greater than 325 to 350	14
Greater than 350 to 375	15

- B. Regardless of size, no tract of land subdivided from its parent tract shall qualify for additional Single-Family Detached Dwellings or Lots or New Single Family Living Units pursuant to this Section unless unused allocated Lots assigned to the parent tract are specifically identified on a plan of record. Similarly, any subsequent owner of any portion of the parent tract legally existing on September 8, 1992, shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional New Single Family Living Units the number of Lots, if any, remaining from the original number permitted by this Section. Any subdivision or Land Development plan hereafter filed for a tract of land in the Agricultural District shall specify which Lot or Lots shall carry with them the right to erect or place thereon any unused quota of New Single Family Living Units as determined by the provisions of this section.
- C. Temporary housing will reserve one (1) subdivision right for each unit on a property until said use is discontinued and removed.
- D. Lot add-ons involving agricultural land in which no new Lots are created shall not be counted against the number of Lots permitted to be created. Acreage obtained via Lot add-on does not provide

additional subdivision rights, unless rights are transferred with the land. In such cases, the transfer of rights needs to be clearly stated on the Lot add-on plan. In addition, for purposes of this Section, Lots divided by a road shall not be deemed to be subdivided Lots irrespective of the possible characterization of such Lots as subdivided for other purposes or under other ordinances or law. Lastly, it is unlawful for an add-on plan to create a Lot that does not comply with the Design Standards listed in Section 200.7.

#### 200.7 DESIGN STANDARDS

Type of Use	Minimum Lot Size*	Maximum Lot Size**	Minimum Lot Width*	Minimum Lot Depth**	Maximum Lot Coverage
Agricultural	20 acre	N/A	150'	150'	20%
Other Use	1 acre	2 acres	150'	150'	20%

\*At Right of Way Line

\*\*From Right-of-Way Line

#### 200.8 MINIMUM SETBACK REGULATIONS FOR PRINCIPAL BUILDINGS (The following setbacks shall not apply to agricultural fences used to contain agricultural Livestock)

- A. Front Yard - Minimum of fifty (50) feet from the Right-of-Way Line. Corner Lots shall be construed to have two (2) Front Yards.
- B. Side Yards - Each Lot shall have two (2) Side Yards, neither of which shall be less than twenty-five (25) feet.
- C. Rear Yard - Minimum of sixty (60) feet in depth.
- D. Buildings housing Livestock, mushroom culture, manure, Agricultural Composting, waste storage or the open storage of manure or wastes, shall not be closer than seventy-five (75) feet to any public right-of-way or Property Line in separate ownership, nor closer than three hundred (300) feet to a Dwelling, any public or semi-public Use regularly open to the public, such as Hospitals, Nursing, Convalescent, Rest or Retirement Homes, Schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, retail operations and eating establishments. Additionally, Buildings housing poultry or hogs shall not be closer than seventy-five (75) feet to any public right-of-way, nor closer than two hundred (200) feet from any Property Line

in separate ownership. Individuals who own adjoining properties will only be upheld to the normal setbacks listed under letters "B" and "C" for lines that separate their common grounds.

- E. Dwellings adjacent to agricultural uses - No Dwelling nor any public or semi-public Use regularly open to the public, such as Hospitals, Nursing, Convalescent, Rest or Retirement Homes, Schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, retail operations and eating establishments shall be located within sixty (60) feet of any lands used for Agricultural purposes, or within three hundred (300) feet of an existing Building housing Livestock or manure storage area that is in separate ownership.
- F. Vegetation - All trees and shrubs planted shall be setback from adjacent land, used primarily for agricultural purposes, a distance adequate to prevent encroachment onto adjacent agricultural property when vegetation reaches maturity. Minimum setback shall be twenty (20) feet for shrubs and thirty (30) feet for trees. All shrubs and trees on Lots used primarily for residential purposes must be trimmed to prevent encroachment onto adjacent agricultural cropland.

#### 200.9 MINIMUM SETBACK REGULATIONS FOR ACCESSORY BUILDINGS

- A. Front Yard - Minimum of fifty (50) feet from the Right-of-Way Line. Corner Lots shall be construed to have two (2) Front Yards.
- B. Side Yards - All Accessory Buildings shall be a minimum of twelve (12) feet from any side Lot line.
- C. Rear Yard - Accessory Buildings: All Accessory Buildings shall be a minimum of twelve (12) feet from the Rear Yard line.
- D. Buildings housing Livestock, mushroom culture, manure, Agricultural Composting, waste storage or the open storage of manure or wastes, shall not be closer than seventy-five (75) feet to any public right-of-way or Property Line in separate ownership, nor closer than three hundred (300) feet to a Dwelling, any public or semi-public Use regularly open to the public, such as Hospitals, Nursing, Convalescent, Rest or Retirement Homes, Schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, retail operations and eating establishments. Additionally, Buildings housing poultry or hogs shall not be closer than seventy-five (75) feet to any public right-of-way nor closer than two hundred (200) feet from any Property Line

in separate ownership. Individuals who own adjoining properties will only be upheld to the normal setbacks listed under letters "B" and "C" for lines that separate their common grounds.

- E. Dwellings adjacent to agricultural uses - No Dwelling nor any public or semi-public Use regularly open to the public, such as Hospitals, Nursing, Convalescent, Rest or Retirement Homes, Schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, retail operations and eating establishments shall be located within sixty (60) feet of any lands used for Agricultural purposes or within three hundred (300) feet of an existing Building housing Livestock or manure storage area that is in separate ownership.
- F. Vegetation - All trees and shrubs planted shall be setback from adjacent land, used primarily for agricultural purposes, a distance adequate to prevent encroachment onto adjacent agricultural property when vegetation reaches maturity. Minimum setback shall be twenty (20) feet for shrubs and thirty (30) feet for trees. All shrubs and trees on Lots used primarily for residential purposes must be trimmed to prevent encroachment onto adjacent agricultural cropland.

#### 200.10 HEIGHT REGULATIONS

- A. Uninhabitable agricultural Structures: no maximum height requirement, provided all Structures are set back a distance at least equal to their height from all Property Lines.
- B. All Dwellings, accessory non-agricultural Structures and other Uses; thirty five (35) feet.
- C. Wind Energy System, Small, maximum height eighty-five (85') feet, per Section 462.1.

200.11 FLAG LOTS - Within this District, the use of Flag Lots is permitted for Single-Family Detached Dwellings, subject to Section 427 of this Ordinance

200.12 APPLICABILITY OF GENERAL PROVISIONS - All Uses permitted within this District shall also comply with all applicable General Provisions contained within Article III of this Ordinance.