Chapter 27. Zoning

Part 6. A AGRICULTURAL DISTRICT

[1] *Editor's Note: Ordinance No. 5-2018, adopted 2/7/2018, provided for the repeal of former Subpart 6A, A-1 Low Intensity Agricultural District, and the redesignation and renumbering of the provisions of former Subpart 6B, A-2 High Intensity Agricultural District, to be Part* ***6****, A Agricultural District.*

§ 27-601. Intent.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

The regulations of the Agricultural District are designed to protect and preserve the existing prime agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on farmland, and conversion to nonfarm usage is discouraged. While this district is composed primarily of prime farmland, limited residential, nonresidential and farm-related commercial purposes are permitted in those areas within the district designated as nonprime farmland in order to facilitate those individuals who may desire to locate in a primarily agricultural setting.

§ 27-602. Permitted Uses.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

The following permitted uses are permitted in Agricultural Districts, subject to the requirements listed herein and in §§ **27-604** and **27-605** of this Part:

A. Agriculture, crop and truck farming, pasturing, truck gardening, horticulture and similar agricultural uses. Greenhouses are also permitted, provided that they do not involve retail sales of items stocked for resale.

B. Nonintensive animal husbandry.

C. Pet kennels, provided that they are located a minimum of 100 feet from any right-of-way or lot line.

D. Public conservation areas for the preservation of open space, water, soil, forest and wildlife resources.

E. Public park and recreation areas, forest preserves, game refuges and similar nonintensive uses.

F. Golf courses and country clubs.

G. Churches, associated parish houses and cemeteries.

H. Single-family dwellings, in accordance with the requirements of §§ **27-604** and **27-605** of this Part, including maximum lot area requirements.

I. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:

(1) Roadside stands for the sale of home-grown or homemade products when located not less than 20 feet from the road cartway and not within the road right-of-way.

(2) Home occupations and accessory uses, as regulated in Part **14** of this chapter.

J. Farm Occupations in Agricultural Zone.
[Added by Ord. No. 5-2018, 7/2/2018]

(1) Farm occupations in the Agricultural Zone are intended to provide supplemental income for residents and tenants owning or leasing land in the agricultural community. The farm occupation shall be accessory to the primary permitted use of the farm parcel. The primary use of the parcel shall be agricultural in nature, such as farming and animal husbandry. The farm occupation shall be owned and operated by the owner or lessee of the subject parcel. The owner of the farm occupation shall reside on the property. No more than three nonresident employees shall be permitted to work on site of the farm occupation at one time. At least 50% of the total sales of the agricultural goods to be displayed or offered for sale by the farm occupation shall be produced on the parcel.

(2) Farm occupations in the Agricultural Zone shall be limited to the following types of activities:

(a) Manufacturing and/or production of agricultural goods for either retail or wholesale.

(b) Agricultural service shops, including, but not limited to, farm machinery service and repair, blacksmith shops, or farriers.

(c) Retail sale of agricultural goods, as defined in § **27-101**, of which 50% shall be grown or produced on the premises.

(d) Veterinary services and facilities.

(e) Fruits, vegetables, or baked goods, 50% of which shall be grown or produced on the premises, may be sold to the general public, except that no food sold on the premises shall be consumed on the premises.

(f) Sawmills.

(g) Compost and mulch sales.

(h) Other similar activities that may be determined by the Zoning Officer to be within the intent of this section of this chapter.

(3) Farm occupations in the Agricultural Zone shall meet the following standards and conditions previous to being permitted:

(a) The land area devoted to the farm occupation shall occupy no more than one acre of lot area. However, the driveway to the business will be the same driveway used for the existing agricultural operation and will not be included in the required minimum or maximum lot area required by this subsection.

(b) Farm parcels which contain farm occupations shall be a minimum of 10 acres in size.

(c) No more than one farm occupation per lot shall be permitted.

(d) The land upon which the farm occupation is located shall not be subdivided from the remainder of the parcel for purposes of the farm occupation.

(e) The stands and/or buildings and related parking must be located at least 40 feet back from any right-of-way line and any lot line.

(f) The farm occupation shall be conducted in an existing building and shall utilize a maximum of 900 square feet for purposes of the display of products for retail.

(g) If required by state law, a food certificate or other licensing shall be acquired and provided from the Department of Agriculture or other appropriate state agency.

(h) The landowner or lessee shall provide evidence from the Township Sewer Enforcement Officer or sewer authority that the parcel is served by functioning sewage facilities.

K. The keeping of livestock for purposes other than business or gainful occupation. [Added by Ord. No. 5-2018, 7/2/2018]

L. Animal husbandry, intensive. (See Part **14**, Supplementary District Regulations.) [Added by Ord. No. 1-2019, 4/1/2019]

§ 27-603. Special Exceptions.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

Upon approval by the Zoning Hearing Board, the following special exception uses are permitted, provided the use complies with the conditions listed herein and any other parts governing special exceptions. Additionally, the requirements of §§ **27-604** and **27-605** of this Part, including maximum lot area, shall apply.

A. Semipublic or private recreational areas, game and wildlife hunting and gunning clubs, camps and structures necessary for the operation of these uses.

B. Riding academies, commercial stables and animal hospitals.

C. Sawmills and other establishments associated with forestry activities.

D. Agriculturally oriented commercial establishments (e.g., farm implement dealers, feed mills, seed stores, butchering shops, etc.).

E. Group care facilities, provided that:

(1) Plans for the facilities are approved by the appropriate local and state agencies; i.e., Department of Labor and Industry and Department of Public Welfare.

(2) The group homes do not cluster in large numbers in the Township, that is, no more than 3% of the population (according to the most-recent U.S. Census) of the Township can be residents of group homes.

(3) There shall be no more than 13 aged, handicapped, dependent, neglected, disabled or mentally ill residents and no more than eight mentally retarded residents in any one group care facility; unless the applicable state standards are changed, then the new standards shall apply.

F. Junkyards and auto salvage yards used for storage, wrecking and converting used or discarded materials, provided that such visible use is not less than 50 feet from any roadway and is not less than 500 feet from any R-1 or R-2 District.

G. Any buildings which exceeds 2 1/2 stories or 35 feet in height. (See exception at § **27-1421**).

H. Conversion Apartments. Any farmhouse or dwelling may be converted to a dwelling for more than one family, provided that:

(1) The lot area per family is not reduced thereby to an amount less than 2/3 of that required by this chapter for the district in which the designated lot is located.

(2) There is no exterior evidence of change in the building, except as required by other ordinances of the Township.

(3) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.

(4) Off-street parking shall be provided in accordance with Part **15** hereof.

(5) There is provided at least 400 square feet per apartment.

(6) The plans for the conversion of said building shall be submitted to the Zoning Hearing Board for review and approval.

I. Airport Facilities. Airfields, airstrips or landing facilities for any type of small or medium-size aircraft and buildings accessory thereto, provided that the following conditions are met:

(1) For airfields and airstrips, a minimum lot area of 10 acres; and for helipads, a minimum lot area of two acres.

(2) Applicant shall submit a plot plan of the lot indicating the landing pad, runway and approach area and existing residences located within a five-hundred-foot radius of the runway or landing area.

(3) Landing pads or runways shall be no closer than 100 feet to any residential district and no closer than 50 to any property line or road right-of-way line.

(4) A description of equipment and facilities to be utilized and a description of the overall development plans for the lot shall be made available to the Zoning Hearing Board.

(5) The airport or landing pad "approach" shall be defined as a three-hundred-foot-wide area lying within and below an inclined plane extending outward horizontally 1,000 feet at a ratio of one foot of height to each 20 feet of length of an established airport runway or landing pad, with no structure or airport hazard to exceed 35 feet high in height anywhere within the lot.

(6) Any radio or electronic device shall be permitted only with approval and license by the Federal Communications Commission.

(7) Any landing facility shall obtain the approval of the appropriate licensing body, including, but not limited to, the Federal Communications Commission, the Federal Aviation Administration or the Pennsylvania Aviation Commission.

(8) The Zoning Hearing Board may impose other conditions as are appropriate to the public safety and welfare, including hours of operation, frequency of use and location in relation to existing residences.

J. Animal husbandry, intensive, shall be permitted by special exception.
[Amended by Ord. No. 1-2019, 4/1/2019]

§ 27-604. General District Requirements.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

All principal buildings, structures and uses erected or established after January 6, 1997, shall comply with the following requirements.

A. Existing farms and properties shall be permitted the following number of lots or principal uses, based upon farm or property size on January 6, 1997:

Size of Farm or Property (acres)	**Maximum Number of Lots or Uses**
0 to less than 25	1
25 to less than 50	2
50 to less than 100	3
100 to less than 150	4

Size of Farm or Property (acres)	Maximum Number of Lots or Uses
150 to less than 200	5
200 to less than 250	6
250 or more	7

Existing unsubdivided dwellings and principal, nonresidential uses located on the farm or property as of January 6, 1997, shall not be considered part of the permitted allotment. Furthermore, the maximum permitted number of lots or uses shall apply whether or not individual lots are subdivided at the time the uses are established. Resubdivision of lots created after January 6, 1997, shall also be subject to the maximum allotment determined for the original farm or property.

B. All applications for building and zoning permits to erect a single-family dwelling or principal, nonresidential use structure on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

(1) Size, shape and dimensions of the farm or property; size and location of all existing buildings; and size, location and use of all proposed buildings or lots.

(2) Lots or uses previously approved under these regulations.

(3) Land under active cultivation and land in wood lots or forests.

(4) Soil information for the farm or property, including soil series and soil capability class, subclass and unit as classified within the 1981 Soil Survey of Lebanon County, Pennsylvania, and Agricultural Handbook No. 210 of the United States Department of Agriculture Soil Conservation Service.

C. Applications to erect or establish a use or subdivide a farm or property shall be reviewed subject to the following criteria:

(1) All uses or lots shall be established or located on nonprime farmland (Soil Capability Classes III through VII), when such land is available.

(2) The least-suitable farmland (highest numbered soil capability unit) shall be utilized for the development in all cases, unless the applicant can demonstrate its unsuitability for the proposed use. When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least-suitable remaining farmland shall be utilized for development.

(3) When a farm or property is comprised entirely of prime farmland (Soil Capability Classes I and II), then the least-suitable or least-prime land shall be utilized for development.

(4) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid scattering of development. Lots and uses shall not be located near intensive farming operations. Subdivisions or development shall not necessitate any new street, except that one lot or use may be accessed via an unimproved fifty-foot right-of-way.

(5) Application for the last lot or use permitted within a farm or property shall be accompanied by proposed deed for the residual farmland or property. Said proposed deed shall contain a restriction to identify that subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within 30 days of the subdivision or permit approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this chapter, punishable in accordance with Part **6** of this chapter.

§ 27-605. Lot and Yard Requirements.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B; as amended by Ord. No. 3-2021, 5/17/2021]

1. A lot area, lot width, lot coverage, yard depth and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §§ **27-602**, **27-603** and **27-604**, shall be provided for every dwelling unit and/or principal nonresidential building or use hereinafter erected, altered or established in this district:

District Requirements

	Lot Requirements		
Use	**Minimum Lot Area (acres)**	**Minimum Lot Width (feet)**	**Maximum Lot Coverage**
Nonresidential use or building (specified in § **27-602A** through **G)**	1	150	20%
Use or building (specified by special exception in § **27-603**)	1	150	20%
Residential single-family detached	1	125	20%

	Yard Requirements			
Use	**Front (feet)**	**Side (feet)**	**Total Side (feet)**	**Rear (feet)**
Nonresidential use or building (specified in § 27-622A through G)	40	20	40	40
Use or building (specified by special exception in § **27-603**)	40	20	40	40
Residential single-family detached	40	20	40	40

No building shall exceed 2 1/2 stories or 35 feet in height unless authorized by special exception.

2. Subject to the following:

   A. Within the Agricultural District, the use of flag lots for single-family detached residences is permitted by right only when it will enable the preservation of some important natural or agricultural feature (including, but not limited to, productive farmland) which would otherwise be disturbed by conventional lot configurations.

   B. For the purposes of this section, a flag lot shall be described as containing two parts:

      (1) The "flag" shall include that portion of the lot that is the location of the principal and accessory buildings.

      (2) The "pole" shall be considered that portion of the site that is used for vehicular and pedestrian access between the flag and its adjoining road.

   C. Requirements for the Flag.

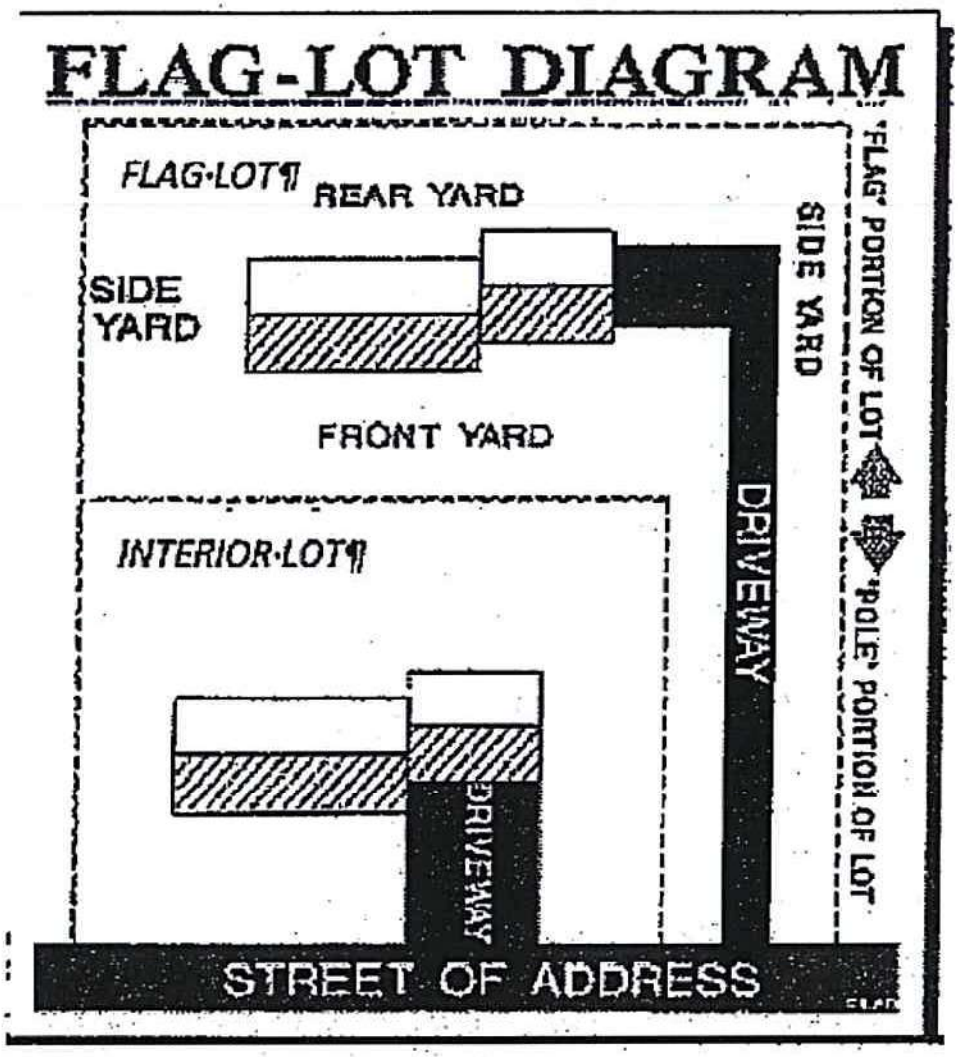
      (1) The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.

      (2) For purposes of determining required yards and setbacks, the following shall apply:

(a) Front Yard: the area between the principal structure and that lot line of the flag which is most parallel and closest to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard.

(b) Rear Yard: the area between the principal structure and that lot line of the flag that is directly opposite the front yard as described above.

(c) Side Yard: the area between the principal structure and that one outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the flag lot diagram below for a graphic depiction of the yard locations.)



(3) The flag lot shall contain adequate driveway dimensions for vehicular backup so that ingress to and egress from the lot is in the forward direction.

D. Requirements for the Pole.

(1) The pole shall maintain a minimum width of 50 feet.

(2) The pole shall not exceed 600 feet in length unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

(3) No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except the driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

(4) The cartway contained on the pole shall be located at least five feet from any adjoining property line and 20 feet from any existing structures on the site or any adjoining property.

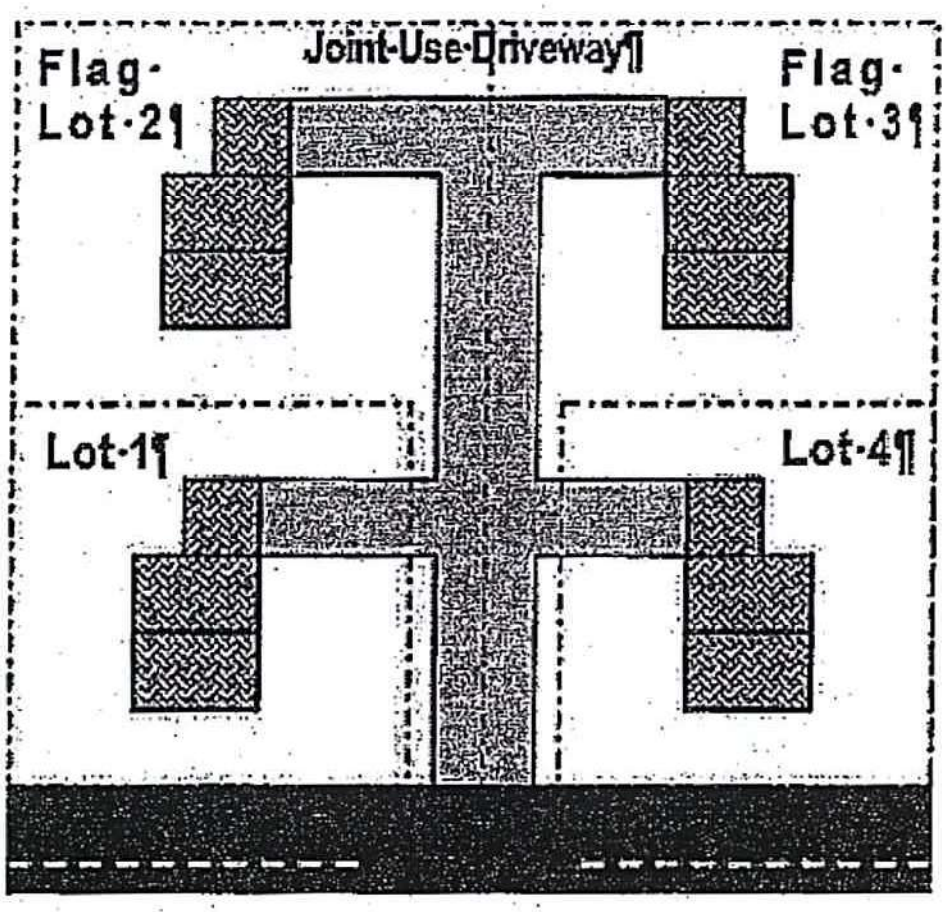
(5) No pole shall be located within 120 feet of another on the same side of the street, unless adjoining poles share a joint-use driveway.

E. Joint-Use Driveways. Whether one or more flag lot(s) are proposed, such lots may rely upon a joint-use driveway for vehicular access. Such joint-use driveway shall comply with the following requirements:

(1) A joint-use driveway must serve at least one flag lot, but may also serve conventional lots, up to a maximum of four lots. (See the joint-use driveway diagram below.)

(2) All joint-use driveways shall have a minimum easement width of 50 feet and a minimum cartway width of 16 feet, which shall be paved for the first 25 feet from the edge of the public street.

(3) Cross-access easements shall be required to insure common use of access to and maintenance of joint-use driveways. Such easements shall be recorded in the language acceptable to the Township Solicitor and depicted on the subdivision plan.



§ 27-606. Minimum Off-Street Parking Requirements.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

Off-street parking shall be provided in accordance with Part **15** of this chapter.

§ 27-607. Signs and Advertising Structures.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

Signs shall be permitted in accordance with Part **16** of this chapter.

§ 27-608. Supplementary District Regulations.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

The supplementary district regulations in Part **14** shall apply, where applicable, as additional requirements for this district.

§ 27-609. Environmental Improvements and Energy Conservation Requirements.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

The environmental and energy requirements in Part **27** shall apply, where applicable, as additional requirements for this district.

§ 27-610. Agricultural Nuisance Disclaimer.

[Ord. 8, 4/3/1972; as added by Ord. 1-2001, 4/2/2001, § 1B]

Lands within the Agricultural District are used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from the normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, storage and disposal of manure, and the application of fertilizers, herbicides and pesticides. Owners, residents and users of this property should be prepared to accept these conditions and are hereby put on special notice that Section 4 of Pennsylvania Act 133 of 1982, the "Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations.