

# **Model Agricultural Zoning Ordinance Lancaster County, Pennsylvania**

1. The following defined terms are hereby added to Section \_\_\_\_, ("Definitions")

Church - A separate detached building devoted primarily to religious worship.

Farm or Farm Parcel - A tract or parcel of land containing at least 25 acres, devoted primarily to agricultural uses, together with a dwelling and/or other accessory uses.

Farm-Related Business - A business operated on a farm parcel, related to or supportive of agricultural activities, such as blacksmithing, farm implement repair, and/or roadside sale of agricultural products.

Intensive Agricultural Use - Intensive Agricultural Uses include, but are not necessarily limited to: a) slaughter areas, b) areas for the storage or processing of manure, garbage, or spent mushroom compost, c) structures housing more than 50 animal units. (Under the Pennsylvania Nutrient Management Act of 1993, a farm is allowed to have no more than two animal units per acre, with an animal unit defined as 1,000 pounds).

Non-farm Lot - The following constitute non-farm lots within an agricultural district: a) a lot or parcel containing less than 25 acres and containing one or more dwelling units. Agricultural activities may be carried on as part of the use of a non-farm residential lot; b) a lot within an agricultural district devoted to uses other than agricultural or residential uses.

Parent Tract - Each tract of land located within an A-Agricultural District on the effective date of this ordinance, and held in single and separate ownership is a parent tract.

2. The following new Article IV (A-Agricultural District) is hereby added to the Zoning Ordinance:

## **ARTICLE IV A-Agricultural District**

The following provisions shall apply to all land within an A-Agricultural District:

Section 401. *Purposes.*

The purposes of the agricultural district are:

a) to protect and promote the continuation of farming in areas with prime soils (SCS Class I and II) and soils of statewide importance (SCS Class III) where farming is a

viable component of the local economy, and to promote the continuation of farming in areas where it is already established;

b) to permit, with limited exceptions, only agricultural land uses and activities;

c) to separate agricultural land uses and activities from incompatible residential, commercial, and industrial development, and public facilities. The protection of land for agricultural purposes is a legitimate zoning objective under the State Planning Statutes, which the regulations set forth in this Section seek to achieve;

d) to put into action the local comprehensive plan, which contains the goal of protecting agricultural lands and promoting agriculture as a component of the local economy.

Section 402. *Use Regulations.*

Section 402.1 Uses by Right

- a. All forms of agriculture (except new Intensive Agricultural Activities, see Section 402.2 below), horticulture, and animal husbandry, including necessary farm structures;
- b. Forestry uses, including sawmills;
- c. Farm dwellings;
- d. Production nurseries and production greenhouses;
- e. Wildlife refuges and fish hatcheries;
- f. Private elementary schools which may include classes only through grade nine;
- g. The following uses accessory to a principal use:
  - i. Roadside stands for the sale of agricultural products, at least half of which are grown on the premises. Off-road parking shall be provided for all employees and customers and the stand shall be set back at least 20 feet from all property lines and road rights of way. The stand shall not be more than 300 square feet in size;
  - ii. Garages (see Section \_\_\_\_);
  - iii. Signs pursuant to the local sign ordinance, Section \_\_\_\_;
  - iv. Beekeeping;
  - v. Manure storage facility (see Section \_\_\_\_);
  - vi. Non-commercial recreation (family pool, tennis court, etc.);
  - vii. Non-commercial antenna or communications facility (see Section \_\_\_\_);
  - viii. Worship services in the home which require no exterior modification of the dwelling;

402.2 Uses permitted by Special Exception (Requiring approval of the Township Zoning Hearing Board)

- a. Temporary Farm Housing, provided that this use:

- i. Takes place on a farm of at least 25 acres;
  - ii. Utilizes mobile home or manufactured housing, and
  - iii. Is only used to house farm laborers;
  - iv. Is removed when farm laborers no longer occupy the housing;
- b. New Intensive Agricultural Uses, where adjacent to a residential zone, shall not be located closer than 200 feet from any residentially zoned property line, or residence on an adjacent property;
  - c. Home Occupations, (see Section \_\_\_\_);
  - d. Family care for fewer than six (6) children or adults (see Section \_\_\_\_);
  - e. Bed and Breakfast Inns (see Section \_\_\_\_);
  - f. Granny Flats and ECHO Housing (see Section \_\_\_\_);
  - g. Animal hospitals, veterinary facilities, and kennels (see Section \_\_\_\_);
  - h. Cemeteries and necessary incidental structures of no more than one acre;
  - i. Riding schools and/or horse boarding stables (see Section \_\_\_\_);
  - j. The conversion of a single-family dwelling to a two- or three-family dwelling;
  - k. Water treatment and transmission facilities and wastewater collection facilities;
  - l. Public utilities;
  - m. Farm-related businesses that are conducted outside the home, subject to the following regulations;
- i. No more than two (2) acres of land shall be devoted to such use including areas used for structures, parking, storage, display, setbacks, landscaping, et cetera. Any lane serving the farm-related business and a home and/or farm contained on the same lot shall not be included as lot area devoted to the farm-related business. No additional lane or curb cut to access the farm-related business shall be allowed; and
  - ii. No more than fifty percent (50%) of the area devoted to a farm-related business shall be covered by buildings, parking lots, or any other impervious surface; and
  - iii. The owner or occupant of the farm must be engaged in the farm-related business; and
  - iv. No more than two (2) full-time and two (2) part-time persons, other than individuals who reside on the farm, may be employed in the farm-related business; and
  - v. The use must be conducted within a completely enclosed building typical of farm buildings; and
  - vi. Any out building used for the farm-related business shall be located behind the principal farm residence on the site, or shall be located at least 200 feet from the closest street right-of-way.
  - vii. Any outdoor storage of supplies, materials, or products shall be located behind the building in which the farm-related business is conducted.
- n. Churches, subject to the following regulations:

- i. A minimum of two (2) and a maximum of four (4) acres of land shall be devoted to such use including areas used for structures, parking, storage, display, setbacks, landscaping, et cetera; and
- ii. No more than forty percent (40%) of the area devoted to a church shall be covered by buildings, parking lots, or any other impervious surface.
- iii. For other criteria, including accessory uses, see Section \_\_\_;

o. Dwellings located on non-farm lots, provided that:

- i. Each application includes a scaled drawing indicating the location of the proposed dwelling to the surrounding farms;
- ii. The dwelling is sited on that portion of the lot which separates it as much as possible from adjacent farming, including minimizing the length of property lines shared by the residential lot and adjoining farms;
- iii. The dwelling and its lot are located on the least productive farmland wherever practical;
- iv. The dwelling is sited on the smallest practical area to satisfy the requirements of this Ordinance and on-site sewage disposal regulations;

p. Communications antennas, towers, and equipment, provided that:

- i. Antennas greater than 45 feet in height and tower mounted antennas shall require a statement from a registered professional engineer regarding the structural integrity of the antenna and/or tower. Such statement shall analyze the forces on the foundation (including live and dead loads), allowable and actual forces of cables, rods, and braces, soil bearing pressures, wind loading forces, and safety from overturning. Communications structures shall be designed and installed to resist a minimum wind load of 30 pounds per square foot of projected horizontal area and shall have a minimum safety factor against overturning of 2.0;
- ii. Antennas which are capable of transmitting signals shall not create electrical, electromagnetic, microwave, or other interference off-site;
- iii. If an antenna represents a health risk due to the signals transmitted, the site shall be completely enclosed by an 8 foot high fence and self-locking gate. The fencing shall include signs on all sides warning of such hazards and shall be arranged in a manner which clearly protect persons outside the fence from such hazards;
- iv. Communications structures shall have a setback from all property lines equivalent to the height of the structure, but in no event shall an antenna or tower exceed a height of 200 feet from grade;
- v. Communications structures shall be sited so as to separate them from adjacent farming activities and residential structures;

- vi. The applicant must demonstrate that the proposed location on agricultural land is necessary for the efficient operation of the communication system, and that alternative locations outside of the agricultural district are not available:
- vii. The applicant must submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communications Commission.

#### 402.3 Incompatible Uses.

Uses not specifically permitted under subsections 402.1 or 402.2 above are not permitted in the agricultural zone. In general, uses and activities that induce non-farm development, generate large amounts of traffic, require substantial parking or could pose a threat to agricultural water supplies are inconsistent with the purposes of the A-Agricultural District. Without limiting the foregoing, the following specific uses are deemed by the Township Board of Supervisors to have the effect of altering the essential character of the A-Agricultural District and causing substantial and permanent impairment to the prevailing agricultural uses within this district and hence, are detrimental to the public welfare, and such uses would therefore be in contravention of the requirements set forth in Section 910.2 of the Pennsylvania Municipalities Planning Code for consideration of variances: landfills, quarries, golf courses, sewage treatment plants, airports and country clubs. Section 403. Area Requirements and Limitations on Subdivision of Parent Tracts. Section 403.1 Minimum Area

- a. Except when conducted as an accessory to a residential use of a non-farm lot, agricultural uses shall require a minimum area of 25 acres, and no farm parcel shall be subdivided from a parent tract unless it shall meet the minimum area requirement for agricultural uses.
- b. A non-farm lot subdivided from a parent tract shall have a minimum of one (1) acre and a maximum of two (2) acres.
- c. All other uses permitted by right, special exception, or conditional use shall have a minimum lot area of one (1) acre.

#### 403.2 Limitations on Subdivision of Parent Tracts.

- a. In order to protect agricultural uses within the A-Agricultural District, it is the intent of this provision that the creation of non-farm lots and the subdivision of farm parcels from parent tracts shall be limited, in order to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes.
- b. Each parent tract containing 50 or more acres shall be permitted limited rights of subdivision. Each parent tract of 50 or more acres shall be permitted to subdivide a combination of one or more farm parcels and/or non-farm lots up to, but not in excess of, a total of one such non-farm lot or one such farm parcel for each 50 acres of area within the parent tract. For example, a parent tract having 125 acres is permitted an ultimate subdivision into a total of two lots or parcels, such as i) two farm parcels, ii) one farm parcel and one non-farm lot, or iii) two non-farm lots.

- c. A single family detached dwelling may be erected on any single undeveloped lot of record (parent tract) as of the effective date of this ordinance, notwithstanding the limitations imposed by Section 7(b). Such lot must be a parent tract in single ownership and not contiguous with other tracts in the same ownership. The parent tract must meet applicable requirements for minimum lot size, and any buildings erected on the lot must meet yard setback, lot coverage, and height regulations.
- d. The provisions of this section shall apply to all parent tracts as of the effective date of this ordinance. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional single family detached dwellings or lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tracts. Any subdivision or land development plan hereafter filed for a parent tract in the A-Agricultural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single family detached dwellings or farm parcels as determined and limited by the provisions of this section.
- e. In the event a tract of land not originally classified as part of the A-Agricultural District on the effective date of this Ordinance is hereafter classified as part of the A-Agricultural District, the size and ownership of such tract of land and its classification as a parent tract, shall be determined as of the effective date of the change in the zoning classification to A-Agricultural.

#### Section 404. Yard, Coverage, and Height Requirements.

404.1 All lots or parcels shall have minimum width of one hundred (100) feet at the building setback line and sixty (60) feet at the street right-of-way line.

404.2 All structures located on non-farm lots shall have a minimum front and rear yard of 50 feet respectively, and a minimum side yard of 25 feet on each side.

404.3 All structures located on farm parcels shall have front, rear, and side yard setbacks of at least 50 feet. New intensive agricultural uses shall be set back an additional distance as required by Section 402.2 (b) of this Ordinance.

404.4 The total impervious coverage, including both buildings and other impervious surfaces, of a non-farm lot shall not be more than 20%; the total lot coverage of a farm parcel shall not be more than 10%.

404.5 The maximum height of a residential building shall be 35 feet. The maximum height of all other buildings, excluding silos and windmills, which shall, however be set back a distance at least equal to their height from all property lines. Section 405.

#### Vegetation Setback Requirement.

Section 405.1 On any separate non-farm parcel, no shrub or tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any land used for agricultural purposes.

#### Section 406. Required Conservation Plan.

Any agricultural, horticultural, animal husbandry or forest use which involves earthmoving activities or commercial harvesting of trees shall require the obtainment of

an approved conservation plan by the Lancaster County Conservation District, pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Resources. All on-site activities shall be in compliance with the approved conservation plan. Section 407. Agricultural Nuisance Disclaimer.

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 or even death arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, 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 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. Section 408. Required Nutrient Management Plans

All agricultural uses shall comply with the Pennsylvania Nutrient Management Act of 1993, and subsequent amendments.

Contacts:

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