

## **Section 402. Agriculture (A)**

A. Intended Purpose: The primary purposes of the Agriculture District are to protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township and of Lancaster County, to permit, with exceptions only those land uses and activities which are agricultural in nature, to encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for building purposes and to prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development with agricultural uses. The preservation of land for agricultural purposes is a legitimate zoning objective under the Pennsylvania Municipalities Planning Code which the Township desires to implement by the regulations set forth in this Section 402.

B. Uses and Structures:

1. Permitted:

- a. Agriculture
- b. Single-Family Detached Dwelling
- c. Municipal Use
- d. Customary accessory uses and buildings incidental to the above permitted uses.

2. Special Exceptions – the following uses are permitted, subject to the issuance of a permit by the Zoning Hearing Board:

- a. Park or Conservation Area, subject to Section 604
- b. Church and Related uses, subject to Section 608
- c. School, subject to Section 607
- d. Campground, subject to Section 604
- e. Horse Riding Stable, subject to Section 605
- f. Country Club and Golf Course, subject to Section 612
- g. Kennel, subject to Section 617
- h. Bed and Breakfast, subject to Section 609
- i. Other uses determined by the Zoning Hearing Board to be of the same general character as those listed above and which will not be detrimental to any permitted uses and structures.

C. Subdivision and Land Development Limitations. It is the intent of the Supervisors to Preserve and protect agriculture and to preserve prime agricultural soils through limitation on subdivision and land development.

1. Number of lots, dwellings or other principal non-agricultural buildings permitted. For each parent tract there shall be permitted the subdivision of one (1) lot (which shall specifically include, but not be limited to, a subdivision to create a farm or farms and subdivision to change lot lines or a “lot add-on” subdivision which

removes land from the parent tract to add the land to another lot) or the erection of one (1) single-family detached dwelling or other principal non-agricultural building on the parent tract, but not both, with the portion of the existing or newly created lot used for residential purposes limited to the maximum lot size set forth in Section 402.D below, for each twenty (20) acres held on January 2, 1988, or if the parent tract was not classified as Agriculture District on January 2, 1988, on the date when such parent tract was first included in the Agriculture District after January 2, 1988. Lots created before January 2, 1988, and dwellings which existed on January 2, 1988, shall not be counted in determining the number of lots permitted to be subdivided or the number of dwelling permitted to be erected. A tabular example of this limitation on the creation of lots or the erection of dwellings is as follows:

Parent Tract Size In Acres	Number of Lots Permitted to be Sub- divided or Dwellings or Principal Non-Agricultural Buildings Permitted To be Erected.
At least 3, but less than 20	1
At least 20, but less than 40	2
At least 40, but less than 60	3
At least 60, but less than 80	4
At least 80, but less than 100	5
At least 100, but less than 120	6
At least 120, but less than 140	7
At least 140, but less than 160	8
At least 160, but less than 180	9
At least 180, but less than 200	10

- a. For those parent tracts equal to or greater than three (3) acres, but less than twenty (20) acres which contained one or more residential dwellings on January 2, 1988, one new lot may be subdivided or one single-family detached dwelling or other principal non-agricultural building may be erected (but not both) provided that wherever possible such new lot contains soils predominantly within the agricultural land capability classifications of IV, V, VI, VII, or VIII as defined by the USDA or such dwelling shall be constructed upon such soil types and be surrounded predominantly by such soil types and be immediately adjacent to an existing public street. No further subdivision or erection of additional single-family detached dwellings or other principal non-agricultural buildings shall be permitted. Any plan for the subdivision of any such lot or the erection of any such dwelling or other principal non-agricultural building shall contain a note stating that further subdivision of the parent tract or the erection of additional dwellings or other non-agricultural principal buildings is prohibited. The deed for any lot so created shall contain a similar notation.

- b. For those parent tracts equal to or greater than three (3) acres but less than twenty (20) acres which did not contain a residential dwelling on January 2, 1988, two new lots may be subdivided or two single-family detached dwellings or other principal non-agricultural buildings may be erected (but not both) provided that wherever possible each such new lot contains soils predominantly within the agricultural land capability classifications of IV, V, VI, VII or VIII as defined by the USDA or each such dwelling shall be constructed upon such soil types and be surrounded predominantly by such soil types and be immediately adjacent to an existing public street. No further subdivision or erection of additional single-family detached dwellings or other principal non-agricultural buildings shall be permitted.
- c. For those parent tracts which contain at least twenty (20) acres, the table set forth above shall be followed to determine the number of lots which may be created or the number of dwellings or other principal, non-agricultural buildings which may be erected. Whenever possible, each lot shall be created to contain and each dwelling or other non-agricultural building shall be erected on soils with the agricultural land capability classifications of IV, V, VI, VII, or VIII as defined by the USDA. The burden shall be upon the applicant to demonstrate that development on such soils is not possible. If subdivision of a lot with such soils or the location of a dwelling or other principal non-agricultural building upon such soils is not possible, the lot or dwelling or other principal, non-agricultural building shall be so located as to be directly adjacent to an existing public street.
- d. The number of lots which may be created for single-family detached dwellings or other principal non-agricultural buildings which may be erected on the parent tract shall be fixed according to the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.
- e. Any land development, the purpose of which is to permit the erection of a permanent single-family detached dwelling on a parent tract which has been previously improved with a dwelling which also will remain upon the parent tract or to permit the erection of a structure for an additional principal use on the parent tract shall be considered a subdivision for the purposes of this Section. It is the purpose and intent of this Section to limit the development of Agricultural tract for non-agricultural purposes regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Municipalities Planning Code.
- f. No subdivision shall be permitted which shall increase the lot size of a lot of record used or to be used for residential purposes in excess of the maximum lot

size as set forth herein. Any lot which is less than ten (10) acres in size shall be presumed to be used for residential purposes.

- g. If a parent tract is to be subdivided to create a new lot for a farm, the remainder of the parent tract and the new lot to be created for the new farm each must contain a minimum of ten (10) acres. The applicant shall have the burden to present substantial evidence to support the applicant's position that the principal use of the new lot will be a farm.
  - h. In addition to any other requirements of this Ordinance, any proposal to subdivide a parent tract to create a new lot which is greater than three (3) acres but less than ten (10) acres or which will result in the remainder of the parent tract being in excess of three (3) acres but less than ten (10) acres shall not be permitted unless the applicant obtains a special exception. The applicant shall demonstrate (i) that the lot size and the use to be conducted upon such lot or remainder of the parent tract is authorized within the Agriculture District and, if such use is authorized by special exception, such special exception shall have been obtained, or (ii) that the proposed subdivision uses all remaining rights to subdivide lots or erect additional dwellings or other principal non-agricultural, buildings on the parent tract and no configuration which would limit the creation of the lot to less than three (3) acres while retaining a parent tract of at least ten (10) acres is possible. Notwithstanding the foregoing, a landowner of a parent tract shall be permitted to subdivide the number of residential lots with a maximum lot size of three acres authorized by Section 402.C.1 even if such subdivision or subdivisions will result in the remainder of the parent tract being less than ten (10) acres.
2. Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 402.C.1:
- a. A subdivision, the sole purpose of which is to transfer land to increase the size of a lot being used for agricultural purposes, where both the parent tract from which the land is taken and the lot to which the land is added will be ten (10) acres or greater after such subdivision.
  - b. A subdivision, to create a lot which will be transferred to the Township or a municipal authority created by the Township.
  - c. A subdivision to create a lot for a commercial communications tower.
3. Requirements for plans and deeds relating to lands within the Agriculture District. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of land in the Agriculture District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of single-family detached dwellings or other

principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract on January 2, 1988, or on the date when such land was first included in the Agriculture District, whichever is later. The right of further subdivision or erection of single-family detached dwellings or other principal non-agricultural buildings, or a statement that no further subdivision or erection of single-family detached dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created lot. If the designation of the right of further subdivision or erection of additional single-family detached dwellings or other principal non-agricultural buildings was not included on a subdivision or land development plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or erection of additional single-family detached dwellings or other principal non-agricultural buildings.

D. Lot, Yard and Height Requirements

1. Lot Requirements:

- a. Minimum Lot Area – Forty-three thousand, five hundred sixty (43,560) square feet.
- b. Maximum Lot Area – Three (3) acres for any lot used principally for residential purposes.
- c. Minimum Lot Width – One hundred fifty (150) feet.
- d. Maximum Lot Width – Twenty (20%) percent.

2. Yard requirements:

- a. Front Yard Depth – Fifty (50) feet.
- b. Side Yard Depth – Twenty (20) feet.
- c. Rear Yard Depth – Fifty (50) feet.

3. Building Height:

- a. Principal Building – Thirty-Five (35) feet.
- b. Accessory Building – Twenty-Five (25) feet.

E. Parking and Loading Requirements: Off-Street parking and loading requirements shall be provided in accordance with Section 509 of this Ordinance.

F. Signs: Signs shall be subject to the regulations of Section 508 of this Ordinance.