

### 3. Agricultural District (A)

#### **SECTION 202 \_\_\_\_ PURPOSE**

A primary purpose of the Agricultural Zone is to permit, protect and encourage the continued use of the land for agricultural purposes. This Zone is composed of those areas in the Township whose predominant land use is agricultural. The regulations for this zone are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses and to maintain agricultural parcels of farms in sizes which will permit efficient agricultural operations.

#### **SECTION 202.1 \_\_\_\_ USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for one of the following principal uses:

##### Principal Uses:

1. Farm
2. Forest and wildlife preserve
3. Greenhouse, nursery
4. Single family detached dwelling (see [Section 202.8](#) and [Section 202.9](#) )
5. Single Family Semi-Detached Dwelling (see [Section 202.8](#) and [Section 202.9](#) )
6. Concentrated Animal Operation\Concentrated Animal Feeding Operation(see [Section 336](#))
7. Small School ([Section 337](#))
8. Group Home ([Section 322](#))

##### Accessory Uses:

1. The sale of any products grown or produced on the farm on which they are sold
2. Home occupations (see [Section 303](#))
3. Signs (see [Section 310](#) et seq.)
4. Storage (see [Section 351](#) and [Section 354](#))
5. Private non-commercial swimming pool or pond (see [Section 328](#))
6. Any other use customarily incidental to any of the uses permitted by the section as principal uses

#### **SECTION 202.2 \_\_\_\_ USE BY SPECIAL EXCEPTION**

The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part IV of this Ordinance, provided, however, all of such uses shall be located on land of low quality for agricultural use as defined in (see [Section 202.9\(e\)](#)) of this Ordinance. Each use identified in subsection 1, 3, 4, 5, 6, 7, 10, or 13 set forth below shall utilize one of the tract's allocation of dwelling units permitted by [Section 202.9](#).

1. House of worship
2. Cemetery (see [Section 394](#))
3. Agricultural society
4. School

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5. Club room, clubhouse, etc.
6. Outdoor recreational establishment (see [Section 221](#)) - ( [Section 328](#))

7. Veterinarian's office or animal hospital
8. Kennel (see [Section 329](#))
9. Saw Mill
10. Trailer Camp or Campground (see [Section 327](#))
11. Stockyards
12. Nursery School (see [Section 324](#))
13. Communication, transmitting and/or receiving facilities (see [Section 335](#))
14. Concentrated Animal Operation\Concentrated Animal Feeding Operation(see [Section 336](#))
15. Large Concentrated Animal Feeding Operation

Accessory Uses:

The following accessory uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part IV of this Ordinance, provided , however, all such uses shall be located on land of low quality for agricultural use as defined in Section 202.9(e) of this Ordinance or in buildings existing prior to January 1, 1985.

1. Home occupation (see [Section 303](#))
2. Bed and Breakfast Inn (see [Section 330](#))
3. Any other use customarily incidental to any of the uses permitted by this section as special exception uses.

**SECTION 202.3 \_\_\_ LOT AREA AND WIDTH**

The minimum lot area within the A-Agricultural District shall be fifty (50) acres for a farm, ten (10) acres for forest and wildlife preserve, and forty thousand (40,000) square feet for all other uses, and the minimum width shall be two hundred (200) feet which shall be abutting a public or private road meeting the requirements of Section 703(a)) of the Peach Bottom Township Subdivision and Land Development Ordinance. Access to the lot shall be from the public road or approved private road abutting the lot, except that if access is to be from a cul-de-sac at the end of a street the lot is not required to abut more than seventy (70) feet of such cul-de-sac.

**SECTION 202.4 \_\_\_ BUILDING COVERAGE**

The maximum coverage of lot area by buildings or structures shall be as permitted in [Section 217](#)).

**SECTION 202.5 \_\_\_ SETBACKS**

Each lot shall provide front, side and rear setbacks not less than the following:

- a. Front setback
  1. For a non-agricultural use - thirty-five (35) feet
  2. For a principal or accessory building - thirty-five (35) feet
- b. Each side setback
  1. For a principal building - ten (10) feet
  2. For an accessory building - ten (10) feet
  3. For a non-Agricultural use - ten (10) feet

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c. Rear Setback

1. For a principal building - thirty-five (35) feet
2. For an accessory building - ten (10) feet

3. For a non-Agricultural use - ten (10) feet
- d. Setback for wells
1. A well must not be placed within ten (10) feet of a property line unless such location is necessary in order to enable a well, sewage disposal system, driveway and dwelling to be placed on the lot.
  2. A well must not be placed within the right-of-way of any public road or within twenty (20) feet of the center line of any public or private road providing or potentially providing access to more than one (1) dwelling.

**SECTION 202.6 BUILDING HEIGHT**

The building height limit shall be fifty (50) feet, except in the case of the agricultural buildings, in which case there shall be no height limitation.

**SECTION 202.7 EXTENT-OF-USE**

unless otherwise noted the extent-of-use or dimensional standards as set forth herein are the requirements for each use in this District. However,

- a. Exceptions and modifications to the extent-of-use requirements are set forth in Part II-A-7, and
- b. Additional or special extent-of-use requirements for certain uses are set forth in Part III.

**SECTION 202.8 SUBDIVISION**

1. Except when necessary to permit the location of a lot for a single family detached dwelling or a single family semi-detached dwelling pursuant to the provisions of [Section 202.1\(4\)](#), [Section 202.1\(6\)](#) and [Section 202.9](#) of this Ordinance, no subdivision of land other than land of low quality for agricultural use as defined in [Section 202.9\(e\)](#) of this Ordinance shall be permitted: provided, however, this shall not prevent a "parcel" from being divided into or among two or more "farms" which will, after transfer, each contain at least fifty (50) acres of cropland nor shall it prevent a "parcel" containing less than fifty (50) acres from transferring land to another "parcel" which will, after transfer, contain at least as many acres of cropland as the transferor parcel prior to the transfer.
2. Any new division line being created between two "farms" shall be agricultural reasonable and shall not be so as to render the agricultural use of the tracts less efficient; i.e. under normal circumstances, fields and contour strips shall not be split.
3. The land transferred to a farm or parcel pursuant to this Section shall not subsequently be separated from such farm or parcel.

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4. A property owner submitting a subdivision plan shall be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units his tract may have.
5. There must be assigned both the land being separated from the original tract parcel and the remaining portion of the original tract or parcel at least one of the original tract's permitted allocation of single family dwelling units unless that land or parcel is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling.

**SECTION 202.9 LIMITATIONS WITH RESPECT TO DWELLINGS**

Dwelling units in the Agricultural District shall be subject to the following limitations:

- a. There shall be permitted on each tract of land the following number of dwelling units:

Size of Tract of Land as of <u>January 5, 1976</u>	Number of <u>Dwelling Units Permitted</u> (including those existing as of January 5, 1976 and those located on a "farm")
0-7 acers	1
7-30 acers	2
30-80 acers	3
80-130 acers	4
130-180 acers	5
180-230 acers	6
230-280 acres	7
280-330 acres	8
330-380 acres	9
380-430 acres	10
430-480 acres	11
480-530 acres	12
530-580	13
580-630 acres	14
630 acres	15
680-730 acres	16
730-780 acres	17
780-830 acres	18
830 and over	19

In the event an agricultural easement or other easement restricting or limiting nonagricultural development has been placed on any parcel or part thereof, such parcel shall not have any allocation of dwelling units in excess of dwelling units currently existing on the parcel whether pursuant to subsection (a) or subsection (b) above unless the deed creating the easement specifically reserves to the parcel such dwelling rights or the property owner has entered into an agreement with the Township prior to the granting of such easement allocating permitted dwelling units between the portion of the parcel which will be subject to the easement and a portion of the parcel which will not be subject to the easement. In no event

shall the permitted allocation exceed the number permitted the tract by subsections (a) or (b) of this section as may be applicable.

- b. New dwelling units must be located on lots containing in their entirety land of low quality for agricultural use as defined in subsection (e) of this section. Where such location is not feasible permits shall be issued to enable dwelling units to be located on lots containing higher quality soils. However, in all cases such dwellings and residential lots shall be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.

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- c. A lot on which a new dwelling is to be located shall not contain more than one (1) acre unless the lot in its entirety is composed of land of low quality for agricultural use as defined in [Section 202.9](#) (e) of this ordinance, and it is determined from the subdivision plan submitted by the property owner that the increased size of the proposed lot will not have the effect of precluding the property owner from locating all of the dwelling units permitted his tract by paragraph (a) of this section on lots composed in their entirety of the type of land described in paragraph (e) of this section, or that the physical characteristics of the land itself require a lot size on excess of one (1) acre in order to properly locate a dwelling, a driveway, and an on-site sewage disposal system. If the entire lot is composed of land of low quality for agricultural use as defined in section 202.9(e) of this ordinance, the lot shall not contain more than (3)three acres unless:
  - 1. The physical characteristics of the land itself require a larger lot size in order to properly locate a dwelling, a driveway, and an on-site sewage disposal system; or
  - 2. The result of limiting the lot size to three (3) acres would be to leave a narrow strip or peninsula of land remaining connected to the residual tract in connection with the farming operation occurring on such residual tract either as cropland or pasture land.If a new dwelling is to be located on a residual tract which currently is not improved with a dwelling, that dwelling must be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.
- d. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have. The property owner shall be required to assign to each lot the right to erect or place at least one dwelling unit and demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least on dwelling.
- e. Lots for the location of dwelling units in addition to those authorized by subparagraph (a) may be permitted provided that all of the dwelling units permitted by subparagraph (a) and constructed after January 5, 1976, and all the additional new dwelling units are located on lots which consist in

their entirety of lands of low quality for agricultural use. Land shall be considered of low quality for agricultural use if:

1. The land is in Soil Capacity Units IVE-5 through VIIs-2 as classified by the Soil Survey of York County, Pennsylvania, Series 1959, No. 23 issued May, 1963; or
2. the land cannot feasibly be farmed:
  - a. Due to the existing features of the site such as rock too close to the surface to permit plowing, swamps, in fact that the area is heavily wooded, or the fact that the slope of the area exceeds fifteen percent (15%); or
  - b. Due to the fact that the size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery (for purposes of the application of this subsection the land to be contained in the lot shall be considered as part of the original tract).

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Such additional lots must meet all the requirements of this Ordinance, the township Subdivision and Land Development Ordinance and all the requirements of the Pennsylvania Department of Environmental Resources.

The number of dwelling lots permitted by this section shall not be such as to permit there to be on any tract of land more than twice the number of dwelling units permitted on that tract of land by subsection (a) of this section.

- f. In the event two (2) or more parcels are in common ownership, the owners may transfer the right to construct or erect dwellings as provided by subparagraph (a) of this section from one parcel to another owned by them, provided the resulting dwelling unit or units are located on lots which, when considered as a part of the entire tract, consists in their entirety either of land of low quality for agricultural use as defined in paragraph (e) of this section or of land which is less desirable for agricultural use than any land on which a single family residential unit could feasibly be located on the transferor Tract.

Before such transfer is approved, the owner or owners must enter into a recordable agreement with the Township in the form approved by the Township Solicitor to give public notice of the transfer.

A transfer may not be approved if the location of the dwelling units allocated to the transferor tract by subparagraph (a) of this section is practically precluded by physical features such as inadequate access, steep slopes, wetlands, etc. as apposed to the desire to preserve agricultural use, except that this provision shall not apply if the transferor tract and transferee tract are contiguous to one another and will be merged with one another. If the merger is to occur, the owner or owners and anyone holding a lein against either the transferor tract or the transferee tract must enter into an agreement with the Township obligating them to merge the tracts upon approval of the transfer.

No tract from which dwelling rights have been transferred pursuant to this section shall be permitted additional dwelling units or lots as provided by subparagraph (e) of this section except if the owner can demonstrate that he can, consistent with the requirements of this ordinance and with other applicable ordinances including, but not limited to, the Sewage Permit Ordinance, locate all of the unutilized dwelling units allocated to his tract of land both by Section 202.9 (a) and by Section 202.9 (e) of this ordinance on the transferor tract of land, the number of additional dwelling units or lots permitted the transferor tract by subparagraph (e) of this section will be reduced only by the number of dwelling rights or units allocated to the transferor tract by subparagraph (a) of this section which are transferred to another tract or parcel.

Following the transfer, the transferor tract must either contain an existing dwelling or have allocated to it the right to construct at least one (1) dwelling unless it is being permanently joined to and merged with an adjacent or nearby parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling.

- g. Each single family semi-detached dwelling shall constitute two dwelling units for the purpose of determining the total number of dwelling units permitted the tract by the provisions of subparagraphs (a) and (e) of this section.

#### **SECTION 202.10 BURDEN OF PROOF**

The applicant shall have the burden of proving that the land he seeks to subdivide or to utilize for a use or in a manner permitted only if the land is found to be of low quality for agricultural use, meets the criteria set forth in [Section 202.9](#) (e) of this Ordinance.

#### **SECTION 202.11 SOIL CLASSIFICATION REVIEW**

Any land owner who disagrees with the classification of his farm or any part of it by the Soil Survey of York County, Pennsylvania, Series 1959, N0. 23 issued May, 1963 may submit an engineering analysis of the soils on the portion of the farm which he seeks to have reclassified, and if the Board of Township Supervisors finds his study to be accurate, it shall act in accordance with the results of such study.