

**Township of Leacock, PA
Lancaster County
Code of Ordinances**

Chapter 310 – Zoning

Article IV - Agricultural (A) Zone

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§ 310-16 - Purpose.

The primary purposes of the (A) Agricultural Zone are to protect and stabilize agriculture in areas of productive soils as an ongoing viable major component of the economy of the Township and of Lancaster County as expressed in Pennsylvania Act 133 of 1982[1] (the "Right to Farm Law"); 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. Consequently, intensive residential or other incompatible land uses will be restricted from the A Zone.

§ 310-17 Permitted uses.

- A. Agricultural, animal husbandry, horticultural and forestry uses, subject to the provisions of §§ 310-150 and 310-165.
- B. Single-family detached dwellings.
- C. Essential public services.
- D. Double-family dwellings, subject to the provisions of § 310-130.
- E. No-impact home-based businesses, subject to the provisions of § 310-204.
- F. Bed-and-breakfast establishments, subject to the provisions of § 310-170.
- G. Roadside stands, subject to the provisions of § 310-186.
- H. Family day-care facilities for not more than six children.
- I. Manure storage facilities, subject to the provisions of § 310-138.
- J. Beekeeping, subject to the provisions of § 310-171.

- K. Signs, subject to the provisions of Article XX.
- L. Elder cottage housing units on lots of five acres or greater, subject to § 310-183.
- M. Vacation rental houses, subject to the provisions of § 310-225.
- N. Benefit sales, subject to § 310-126.
- O. Accessory methane digester systems, subject to § 310-236.
- P. Alternative energy sources, subject to the provisions of § 310-125.
- Q. Accessory buildings and uses customarily incidental to the above uses.

§ 310-18 - Special exceptions.

The following uses are permitted when special exceptions are granted by written approval of the Zoning Hearing Board. In granting any special exceptions, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.

- A. Business in the Agricultural Zone, subject to § 310-174.
- B. Radio and television transmitting towers and broadcasting facilities, subject to § 310-211.
- C. Veterinary facilities and animal hospitals, subject to § 310-168.
- D. Kennels, subject to § 310-196.
- E. Storage facilities in converted structures, subject to the provisions of § 310-220.
- F. Temporary farm employee housing, subject to the provisions of § 310-223.
- G. Construction or enlargement of poultry houses, hog or swine houses, livestock and cattle houses, subject to § 310-179.
- H. Bus shelters, subject to § 310-173.
- I. Riding school and horse boarding stables, subject to § 310-216.
- J. Churches, synagogues and other places of worship, and associated cemeteries, provided that the use does not exceed five acres, and subject to the provisions of § 310-176.
- K. Church-related uses such as social halls, picnic grounds, etc., subject to § 310-176.
- L. Ultralight vehicle landing fields, subject to § 310-166.
- M. Commercial communication antennas, towers and equipment for commercial operation (cell sites), subject to § 310-177.
- N. One- and two-room school uses, public and private, subject to the provisions of § 310-217.
- O. Elder cottage housing units on lots of less than five acres, subject to § 310-183.
- P. Off-premises advertising signs and billboards, subject to the provisions of § 310-266.

Q. Home occupations, subject to the provisions of § 310-193.

R. Accessory buildings and uses customarily incidental to the above uses.

§ 310-19 - Conditional uses.

The following uses are permitted when conditional uses are granted by written approval of the Board of Supervisors. In granting any conditional uses, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.

A. School uses of three rooms or larger, public and private, subject to the provisions of § 310-217.

B. Airfields, subject to § 310-166.

C. Farm tours, subject to § 310-187.

D. Commercial sightseeing rides, subject to § 310-178.

E. Petting zoos and menageries, subject to § 310-208.

F. Golf courses, subject to § 310-191.

G. Regional methane digester systems, subject to § 310-236.

H. Accessory buildings and uses customarily incidental to the above uses.

§ 310-20 - Bulk and lot regulations.

A. Subdivision and land development limitations. It is the intent of the Supervisors to preserve and protect agriculture and to preserve prime agricultural soils through limitations on subdivision and land development. It is also the intent of this chapter to allow for gradual growth directed at already existing smaller parcels, while also controlling the rate of growth and the amount of development on all parcels. In furtherance of this intent, the number of lots permitted to be subdivided in the Agricultural Zone shall be limited as follows:

(1) For each parent tract of 40 acres or more, there shall be permitted:

[Amended 8-2-2016 by Ord. No. 135]

(a) The subdivision of one lot for every 20 acres contained in the parent tract;

(b) Provided, however, that the area of the parent tract after subdivision(s) shall not be reduced to less than 40 acres.

(2) For each parent tract of 30 but less than 40 acres, there shall be permitted:

(a) The subdivision of one lot for every 15 acres contained in the parent tract.

(3) For each parent tract of 20 but less than 30 acres, there shall be permitted:

(a) The subdivision of one lot for every 10 acres contained in the parent tract.

(4) For each parent tract of more than 10 but less than 20 acres, there shall be permitted:

(a) The subdivision of one lot for every five acres contained in the parent tract.

(5) For each parent tract of 10 acres or less, there shall be permitted:

(a) The subdivision of one lot for every two acres contained in the parent tract.

(6) Any farm encompassing 55 acres or more may subdivide not more than two farmettes for the purpose of agriculture only, provided that the subdivision of said farmette(s) shall not reduce the size of the parent tract to less than 40 acres. No further subdivision of said farmette(s) shall be permitted.

[Added 8-2-2016 by Ord. No. 135]

(a) In lieu of subdivision, the farmette(s) may be leased, and a dwelling and farm buildings may be built on the leased tract without formal subdivision, subject to the following limitations:

[1] The buildings must be located in a way that will allow formal subdivision in the future.

[2] The lease can have any term, but must be renewed annually, with a copy of the renewal being filed with the Township.

[3] If the lease of the tract is terminated, the formal subdivision of the buildings must be completed. The size of the formally subdivided parcel shall conform to the maximum parcel size allowed in Subsection B.

[4] The remainder of the tract shall remain with the parent tract.

(b) The use of the provisions of this Subsection A(6) shall count as one (or two in the case of two farmettes) of the subdivisions allocated to the parent tract.

(7) Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development limitations established by Subsection A(1) through (5) above:

(a) A subdivision, the sole purpose of which is to transfer land being used for agricultural purposes from one farm to another farm. Allocated rights of subdivision may be transferred with the land; provided, however, that the combined number of available subdivisions from the two parent tracts shall not be exceeded.

(b) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.

(c) The subdivision of an eighty-acre or larger tract to create two or more forty-acre or larger farms.

(8) Any subdivision or land development plan hereinafter filed with the Township for subdivision or land development of a lot in this zone shall specify which lot or lots shall carry with it a right of further subdivision, if any such right remains from the quota allocated to the parent tract. This right of further subdivision, or an indication that no further subdivision is allowed, shall also be included in the deed to the newly created lot and shall be noted on the approved subdivision or land development plan. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance then in effect. 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.

(9) Parent tract. When used in determining the permissible number of lots which may be subdivided in the Agricultural Zone, all contiguous land located in Leacock Township and held in single and separate ownership, regardless of whether such land is divided into one or more lots, parcels, purparts or tracts; such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or such land is bisected by public or private streets or rights-of-way, which was held by the landowner or his predecessor in title on August 5, 2003, or, if such land was not classified as Agricultural Zone on August 5, 2003, which was held by the landowner or his predecessor in title on the date such land was first classified as Agricultural Zone after August 5, 2003. Any limitation on the number of lots allowed to be subdivided under prior provisions of this chapter is hereby superseded, and the number of permissible subdivisions shall be based on the parent tract as defined on the August 5, 2003, adoption of this chapter. In addition, any subdivision plan notes that limit future subdivision based on prior provisions of the Zoning Ordinance are also null and void.

B. Minimum lot size. Unless otherwise provided for in this chapter, the minimum lot size:

- (1) For a farm, shall be 40 acres.
- (2) For single-family dwellings and other nonfarm uses where public sewer is not available: one acre.
- (3) For single-family dwellings and other nonfarm uses where public sewer is available: 15,000 square feet.
- (4) Specific nonfarm uses may require a greater minimum lot size.

C. Maximum lot size for nonfarm uses shall be two acres, unless:

- (1) A larger lot area is required to meet all applicable setbacks and Pennsylvania Department of Environmental Protection (DEP) requirements for the location of on-site water supply and sewage disposal facilities, including replacement system location; or
- (2) A larger lot size is required for a use permitted by right, by special exception or by conditional use.

D. Maximum building height: 35 feet, subject to the height exceptions in § 310-134. Agricultural buildings and structures shall not be subject to these height requirements.

E. Minimum lot width.

- (1) Not served by public sewer: 150 feet at the building setback line.
- (2) For single-family dwellings and other uses served by public sewer: 90 feet at the building setback line.
- (3) Specific uses may require a greater minimum lot width.

F. Minimum lot depth.

- (1) Not served by public sewer: 175 feet.
- (2) For single-family dwellings and other uses served by public sewer: 135 feet.

(3) Specific uses may require a greater minimum lot depth.

G. Front yard minimum depth.

(1) The minimum building setback line shall be in compliance with the requirements of Article XVII, § 310-127.

(2) In development areas, the minimum building setback line requirements may be reduced in order that the buildings may be in proper relation to adjacent buildings, subject to § 310-127D.

H. Minimum side yard.

(1) Not served by public sewer: 20 feet.

(2) For single-family dwellings and other uses served by public sewer: 15 feet.

(3) Specific uses may require a greater minimum side yard.

I. Minimum rear yard.

(1) Not served by public sewer: 50 feet.

(2) For single-family dwellings served by public sewer: 40 feet.

(3) Specific uses may require a greater minimum rear yard.

J. Maximum lot coverage. Unless otherwise provided for in this chapter, not more than 30% of the area of the lot shall be covered by impervious surfaces.

§ 310-21 - Nonfarm dwelling disclaimer.

The primary purpose of this zone is to accommodate commercial agriculture. Nonfarm dwellings or uses in this zone may be subject to some common characteristics of agriculture which are sometimes regarded as objectionable, including but not limited to odor, dust, night, holiday, early morning and weekend operations, noise, heavy vehicle use of roads, the storage and disposal of manure, the application of fertilizers, herbicides, etc. Residents, owners and users of property in this zone should accept these factors as normal and unavoidable characteristics of an agricultural area and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, referred to as "the Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations.

§ 310-22 - Height and yard requirements of accessory buildings.

Except as otherwise provided for in this chapter, the following regulations apply to unattached buildings for accessory uses.

A. Maximum building height: 26 feet from the lowest finished floor elevation.

In the case of a sloping lot, this maximum building height may be increased by special exception, subject to the following considerations:

(1) The proposed building shall not be offensive to any adjacent residential uses; and

(2) In no case shall the height of the building exceed 35 feet from the lowest finished floor elevation.

Agricultural buildings shall not be subject to height requirements.

B. Minimum yard setbacks.

(1) Front: the minimum front yard setback shall be equal to the distance required for principal buildings.

(2) Side: 15 feet.

(3) Rear: six feet.

(4) Where the proposed accessory building will be located adjacent to an existing residential use or a residential zoning district boundary line, the side and/or rear yard setback shall be the required minimum or a distance equal to the height of the accessory building, whichever is greater.

§ 310-22.1 - Prohibited uses.

[Added 8-2-2016 by Ord. No. 135]

The following uses are specifically prohibited within the (A) Agricultural Zone:

A. Commercial composting of animal and/or food products, including dead animals.

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