Article IV  AG – Agriculture District

SECTION 400. AUTHORITY, PURPOSE, PROCESS

A. Authority. The Agriculture District is established in accordance with:

1. Pennsylvania Act No. 247, The Municipalities Planning Code, Sections 603 (b) (5), 603 (c) 7, 603 (g) 1, 603 (h), 604 (3), and 605 (2) (vii);


3. Community Development Objectives in Section 102 of this Ordinance.

B. Purpose. In promoting the policies of the Township Comprehensive Plan and the Township Open Space, Recreation, and Environmental Resources Plan the purpose of this Article is to:

1. Preserve the rural character of the Township by promoting the preservation of farmland and the continuation of the agricultural industry, and to permit the continued traditional agricultural use and farm related activities in the Township.

2. Locate the Agriculture District where agricultural operations are the primary land use and along roads which cannot accommodate large volumes of traffic.

3. Protect prime agricultural soils and existing farmland and reduce development pressure that can negatively impact the agricultural industry.

4. Accommodate and encourage a wide range of agricultural activities on soils classified by the U.S. Department of Agriculture within agricultural capability, Class 1, Class 2, and Class 3, as amended, and listed as follows:

   Chester Silt Loam  
   Chewacla Silt Loam  
   Congaree Silt Loam  
   Edgemont Channery Loam  
   Glenelg Channery Silt Loam  
   Glenville Silt Loam  
   Manor Loam  
   Neshaminy Gravelly Silt Loam  
   Wehadkee Silt Loam

5. Provide farmers with a variety of agricultural related use opportunities to help supplement farm income.

6. Provide development options for farmers to subdivide their properties for development in a configuration that protects the viability of the remaining land for agricultural production.

7. Limit the type and amount of non-agricultural uses within the district in order to avoid conflicts between agricultural and non-agricultural uses.
8. Allow development options non-farm tracts compatible with this district.

C. **Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss any development options in the form of an informal sketch plan prior to the official submission of an application, in accordance with Section 401 and 500 of the Township Subdivision and Land Development Ordinance. Sketch plans are useful tools to identify and correct potential design problems to address compliance with Township ordinance issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.

**SECTION 401. USE REGULATIONS**

A. **Uses Permitted by Right.** A lot may be used and building may be erected, altered or used for any one of the following purposes, and for no other:

1. Agriculture, as defined under Section 201, and when in accordance with the provisions of Section 402.A.

2. Intensive Agriculture, as defined under Section 201, and when in accordance with the provisions of Section 1324.

3. Woodlots, game preserves, forestry, or other conservation purposes.

4. Granges and cooperatives relating to agriculture.

5. Single-family detached dwelling, in accordance with Section 404.

6. Dwelling of the owner or operator of the farm, on a parent tract.

7. Agricultural accessory uses, in accordance with the applicable provisions of Article 13:
   a. Agricultural accessory dwellings, when in accordance with the provisions of Section 402.B;
   b. Sale of farm products;
   c. Home occupation;
   d. Customary agricultural accessory uses and buildings;
   e. Bed and Breakfast facilities; and
   f. Family Farm Related Business, in accordance with Section 1320.

8. Residential accessory use, in accordance with the applicable provisions of Article 13:
   a. Private, noncommercial swimming pool;
   b. Private garage;
c. Home occupation;
d. Customary residential accessory uses and buildings; and
e. Bed and breakfast facilities.

B. **Uses Permitted by Special Exception.** The following uses shall be permitted when granted by special exception by the Zoning hearing Board, and in accordance with the applicable provisions of Article 13:

1. Conversion of single-family detached dwelling, in accordance with Section 1309.
2. Veterinary hospital or clinic, per the design requirements found in Section 502.E.
3. Kennel, in accordance with Section 1315.
4. New or existing dwelling with attached unit, in accordance with the requirements of Section 1319.
5. Cemetery.

C. **Uses Permitted by Conditional Use.** The following uses shall be permitted when granted by conditional use by the Board of Supervisors, and in accordance with the applicable provisions of Article 13:

1. Family Farm Related School, in accordance with Section 1321.
2. Public utility operating facility, per the design requirements found in Section 502.E.
3. Educational and religious uses, per the design requirements found in Section 502.E.
4. Municipal, County, state or federal use, excluding dumps and corrective or penal institutions, per the design requirements found in Section 502.E.

**SECTION 402. AREA AND BULK REGULATIONS**

A. **Agricultural Uses.** In order to preserve and promote the continuation of agricultural uses in the Agriculture District the following area and bulk regulations shall apply to all agricultural uses and intensive agricultural uses:

1. Minimum Lot Area: Ten (10) acres
2. Maximum Paved Area: Five (5) percent
3. Maximum Building Height: Thirty-five (35) feet, except that silos, bulk bins and other uninhabited accessory structures shall be exempt from the maximum building height limit when attached to an existing structure or located such that the distance from the base of the silo, bulk bin or other uninhabited accessory structure to the nearest property line or street right-of-way line is no less than the height of said structure plus ten (10) percent of the height of the structure.
4. No new outdoor feed lot, compost or manure storage shall be established closer than two-hundred (200) feet from an abutting residential use, and in no case located closer than one-hundred (100) feet from any property line.

5. Farm buildings shall not be constructed closer than fifty (50) feet from any property line.

B. **Accessory Agricultural Dwellings.** The following standards shall apply to the creation of accessory agricultural dwellings on an existing farm tract:

1. Permitted Types of Accessory Agricultural Dwellings:
   
   a. **Agricultural Accessory Dwelling Units.** An additional dwelling unit created by expanding an existing single-family detached dwelling unit. For example, expanding or adding onto an existing farmhouse to create an additional dwelling unit.
   
   b. **Conversion.** The conversion of an existing structure on an agricultural property to be used as a single dwelling unit. For example, an existing barn can be renovated to create an additional dwelling unit.
   
   c. **Additional Agricultural Dwelling Units.** The development of additional single-family dwelling units. For example, permitting an additional farm dwelling unit on the farm tract.

2. The farm tract at the time of application for accessory dwelling units shall have a minimum area of thirty (30) contiguous acres, and shall be owned or occupied by a resident farmer.

3. A maximum of two (2) accessory dwellings shall be permitted on a qualifying farm tract without the need for subdivision. Subsequent dwelling units shall require compliance with the following provisions:

   a. Permitted residential lots with on-lot sewer and water services:

      1) Minimum lot area                      One (1) acre
      2) Minimum building setback              Forty (40) feet
      3) Minimum rear yard                     Fifty (50) feet
      4) Maximum paved area                    Twenty (20) percent
      5) Maximum building coverage             Fifteen (15) percent
      6) Minimum setback (accessory structures) Ten (10) feet
      7) Maximum building height               Thirty-five (35) feet
      8) Minimum lot width (building line)     One-Hundred Fifty (150) feet
      9) Minimum lot width (street line)       Fifty (50) feet
      10) Minimum side yard                    Twelve (12) feet

   b. Permitted residential lots with on-lot water and public or community sewer services:

      1) Minimum lot area                      Thirty Thousand (30,000) square feet.
      2) Minimum building setback              Forty (40) feet
      3) Minimum rear yard                     Fifty (50) feet
      4) Maximum paved area                    Twenty (20) percent
      5) Maximum building coverage             Fifteen (15) percent
      6) Minimum setback (accessory structures) Ten (10) feet
      7) Maximum building height               Thirty-five (35) feet
8) Minimum lot width (building line) One-Hundred Twenty-five (125) feet
9) Minimum lot width (street line) Fifty (50) feet
10) Minimum side yard Ten (10) feet

4. Accessory agricultural dwellings shall be adequately served by sewer and water facilities approved by the Chester County Health Department.

5. The applicant shall demonstrate how safe and efficient access shall be provided to each dwelling from an existing public road by emergency services equipment.

6. Accessory farm dwelling shall either be attached to the principal dwelling or separated in such a way so as to be capable of subdivision, according to Section 404, below.

7. There shall be a note placed on the final development plan and a restriction included within the deed to the affected property which states that this section of the Township Zoning Ordinance has been used and that no further accessory farm dwellings shall be permitted.

8. Final plans for subdivisions subject to this Article shall include:

   a. The following statement: “Parcels within this district are located in an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subject to inconvenience arising from normal and customary agricultural practices and operations including, but not limited to noise, odors, dust, the operation of machinery at any time, and the storage and application of manure, fertilizers, and soil amendments. Owners, occupants, and users of this property should be prepared to accept such inconveniences as routine consequences of agricultural practices and should be aware of Section 4 of the Pennsylvania Act 133 of 1982, known as the “Right to Farm Law,” may bar them from obtaining legal judgment against such agricultural practices.”

   b. An indication of any lots or parcels created by the approved subdivision that contain no further subdivision potential, either due to the size of the resulting parcel or to deed restriction.

C. **Subdivision of Tract for Residential Uses.** In order to protect, preserve, and promote agricultural uses within the Agriculture District, it is the intent of this Section that the creation of residential uses shall be specified in order to retain tracts of sufficient size to be efficiently used for agricultural purposes, as follows.

1. **TRACTS GREATER THAN THIRTY (30) ACRES.** For existing tracts of thirty (30) acres and greater at the time of adoption for subdivision of residential uses:

   a. **Applicability.** These provisions shall apply to all tracts of thirty (30) acres or more held in single and separate ownership as of the effective date of this Ordinance. The parent tract and subsequent subdivided lots must meet all applicable dimensional requirements.

   b. **Yield.** Each parent tract containing thirty (30) acres or more shall be permitted to subdivide one (1) residential lot per every ten (10) acres, provided the remaining tract from which a lot is divided will not be reduced to less than thirty (30) acres in size. The maximum number of lots permitted for subdivision from the parent tract shall be determined by dividing the total tract area of the parent tract by ten (10). Fractional values shall be rounded down to the next lowest whole number.
Yield = Gross (tract or lot) area of parent (tract or lot) / 10

c. **Area and Bulk.** A residential lot subdivided from a parent tract for shall meet the following requirements:

1) **Minimum lot area.** One (1) acre
2) **Maximum lot area** Two (2) acres
3) **Minimum lot width at building line.** One-hundred (100) feet
4) **Minimum lot width at street line.** Fifty (50) feet
5) **Minimum front setback.** Fifty (50) feet
6) **Minimum side yard.** Twenty-five (25) feet
7) **Minimum rear yard.** Fifty (50) feet
8) **Maximum building coverage.** Ten (10) percent
9) **Maximum paved area.** Twenty (20) percent
10) **Maximum building height.** Thirty-five (35) feet
11) **Vegetation setback.** No shrub or tree shall be planted within twenty (20) feet of any land used for agricultural purposes.
12) **No new dwelling shall be located closer than two-hundred (200) feet from an existing outdoor feedlot, compost or manure storage, mushroom house, or other intensive agricultural use.**

d. **Subdivision Preferences.** To allow for the non-agricultural development permitted in this district, yet to preserve prime agricultural soils and areas, the layout of lots shall create the least amount of disruption to agricultural practices, operations, and Class I, II, and III soils, the Township has adopted a set of preferences for the manner in which land is subdivided for non-agricultural uses within the Agriculture District. They are listed below and ranked according to their desirability in descending order. The Applicant shall consider all of the options for subdividing a lot and its feasibility. It shall be the burden of the Applicant to demonstrate why preferences 1 or 2 cannot be achieved before subdivision preference 3 shall be permitted. See Figure 1. *(figures in process)*

1) **Subdivision Preference 1.** Lots on non-productive soils.

Lots which are subdivided from the parent tract for non-agricultural uses shall not be located on Class 1, 2, or 3 soils or shall be on soils which cannot feasibly be farmed due to the shape or size of the lot or physical features such as rock, slopes, or heavy forestation.

2) **Subdivision Preference 2.** Lots on non-productive soils, adjacent to existing lots.

Lots which are subdivided from the parent tract for non-agricultural uses shall be adjacent to lots which were subdivided previously for non-agricultural uses on non-productive soils, or placed to minimize interference with agricultural production such as corners, wooded areas, or adjacent to existing roadways.

3) **Subdivision Preference 3.** Lots on productive soils, Class 1, 2, or 3.

If the proposed lot(s) cannot be located in accordance with subsections 1 and 2, above, due to environmental constraint, tract configuration, or other physical limitations, lots may be located on or partially on Class 1, 2, or 3 soils, but in any
case, on the least agriculturally productive land or in an area which will minimize interference with agricultural production, including but not limited to corners, wooded areas, and areas with land uses which are inconsistent with agricultural operations.

e. Administration of Subdivision Preferences.

1) For non-agricultural lots that are created in accordance with Subdivision Preference 1 or 2, the applicant shall demonstrate to the Township during the preliminary plan review that the land will be subdivided in a manner set forth for these preferences.

2) Where a non-agricultural lot cannot be created in accordance with Subdivision Preference 1 or 2, and the lot to be subdivided contains Class 1, 2, or 3 soils, the following provisions shall apply:

   (a) It shall be the burden of the applicant to demonstrate to the Township why the lot cannot be subdivided in accordance with Subdivision Preference 1 or 2.

   (b) In addition to all to other materials, documents, and information required by the Township Subdivision Ordinance, the applicant shall submit the following information:

      (1) Location and the calculated area of all Class 1, 2, and 3 agricultural soils, as defined by the U.S. Department of Agriculture (USDA). To demonstrate this information in an efficient way, the applicant may use the most current soil survey map available through the USDA Natural Resource Conservation Service to identify this information for these purposes.

      (2) The calculation of permitted number of lots per the requirements of Section 402.C.1.

      (3) Location and calculated area of constraints including: tract location, shape, or configuration, wetlands, areas of prohibitive slope and rocky areas, streams, utility easements and rights-of-way.

      (4) Approximate location of future subdivision of lots from the parent tract, when less than the maximum number of lots permitted is proposed.

      (5) The location and use of structures and land uses within five hundred (500) feet of the property line.

      (6) The approximate location of potential future subdivisions.

f. 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 and shall meet the requirements of Section 404.

g. The provisions of this Article 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 lots pursuant to this Article. 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 tract. Likewise, any subsequent owner of any parent tract shall be bound by the provisions of this Article and the actions of the previous owners such that for purposes of subdivision the number of new lot or dwellings erected on the parent tract shall be fixed according to the original number permitted on the parent tract. This number shall not be
increased by the further subdivision of the parent tract, thus transfer of ownership shall not create a new right to subdivide.

h. Any plan for the subdivision or land development of any such lot or the erection of any building hereafter filed for a parent tract in the Agriculture District shall specify on the recorded plan which lots or lots shall carry a right of further subdivision or erection of single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract. The right of further subdivision or erection of single family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created lot or lots. If the designation of the right of further subdivision or erection of additional single family 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 dwelling or other principal non-agricultural buildings.

i. In the event a tract of land not originally classified as part of the Agriculture District on the effective date of this Ordinance is hereafter classified as part of said 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 Agriculture District.

2. **TRACTS LESS THAN THIRTY (30) ACRES.** For existing tracts less than thirty (30) acres at the time of adoption for subdivision of residential uses:

a. **Applicability.** These provisions shall apply to tracts of less than thirty (30) acres held in single and separate ownership as of the effective date of this Ordinance. The parent tract and subsequent subdivided lots must meet all applicable dimensional requirements.

b. **Yield.** Tracts of less than thirty (30) acres may be subdivided into residential lots that shall comply with section 404, below. The minimum lot area shall be two (2) acres, exclusive of rights-of-way, utility easements, flood hazard areas, steep slopes greater than twenty-five (25) percent, and wetlands.

3. **Exemption from limitation on subdivision of land.**

A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the parent tract from which the land is being taken and the tract to which the land is being transferred will be thirty (30) acres or more after such subdivision shall be considered exempt from the provisions of this section relating to subdivision.

D. **Non-Agricultural, Non-Residential Uses permitted in this District.**

1. **Applicability.** These provisions shall apply to all non-agricultural and non-residential uses as of the effective date of this Ordinance. In the case that a non-agricultural, non-residential use is subdivided from a lot in agricultural use as of the adoption of this Article, the requirements of Section 402.C.1.b, 402.C.1.d, and 402.C.1.e shall apply.

2. **Area and Bulk.** A lot subdivided for the purposes under this subsection shall meet the following requirements:
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**a. Minimum lot area**  
One (1) acre

**b. Maximum lot area**  
Three (3) acres

**c. Minimum lot width**  
1) Building line  
Two-Hundred (200) feet  
2) Street line  
Fifty (50) feet

**d. Minimum building setback**  
Fifty (50) feet

**e. Minimum side yard**  
1) Individual  
Twenty (20) feet  
2) Aggregate  
Fifty (50) feet

**f. Minimum rear yard**  
Fifty (50) feet

**g. Maximum building coverage**  
Ten (10) percent

**h. Maximum paved area**  
Fifteen (15) percent

**i. Maximum building height**  
Thirty-five (35) feet

**j. Minimum setback for accessory structures**  
Ten (10) feet

### SECTION 403. NON-AGRICULTURAL DWELLING OR USE NOTICE

The primary purpose of this district is to accommodate commercial agricultural production. Owners, residents, and other users of property in this district shall be subject to common characteristics of agriculture activities which are sometimes regarded as objectionable, including, but not limited to, the creation of noise, odors, dust, the operation of machinery of any kind during any time, the storage and application of manure, fertilizers, herbicides, etc., and the heavy or slow vehicle use of roads. Owners, residents, and users of this property should regard these activities as normal, ordinary, routine, and as unavoidable characteristics of an agricultural area and are furthermore assumed to have accepted these characteristics by willingly choosing to reside in the Agriculture District. Owners, residents, and users of this property should be familiar with and aware of Section 4 of Pennsylvania Act 133 of 1992 “The Right to Farm Law.” (3 P.S. §951 et. Seq.) This may bar them from obtaining a legal judgement against such normal agricultural operations.

### SECTION 404. NON-AGRICULTURAL RESIDENTIAL DEVELOPMENT STANDARDS

The following area and bulk standards shall apply to non-agricultural residential parcels consisting of less than thirty (30) acres per the date of adoption of this ordinance, on which residential use shall serve as the principal use:

**A. Minimum lot area**  
Two (2) acres

**B. Minimum lot width**  
1) Building line  
Two-Hundred (200) feet  
2) Street line  
Fifty (50) feet

**C. Minimum building setback**  
Fifty (50) feet

**D. Minimum side yard**  
1) Individual  
Twenty (20) feet
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Aggregate Twenty (50) feet
E. Minimum rear yard Fifty (50) feet
F. Maximum building coverage Eight (8) percent
G. Maximum paved area Twelve (12) percent
H. Maximum building height Thirty-five (35) feet
I. Minimum setback for accessory Ten (10) feet

J. No new dwelling shall be located closer than two-hundred (200) feet from an existing outdoor feedlot, compost or manure storage, mushroom house, or other intensive agricultural use.

SECTION 405. DESIGN STANDARDS

The following design standards established in Article 14 shall apply:

A. For agricultural and residential uses:
   1. Off-street parking standards, per Sections 1408 and 1409;
   2. Sign standards, per the Township Sign Ordinance.

B. For all other uses permitted in this district:
   1. Storage standards, per Section 1402;
   2. Landscaping standards, per Section 1401;
   3. Access and traffic control standards, per Section 1403;
   4. Interior circulation standards, per Section 1404;
   5. Off-street parking standards, per Section 1409;
   6. Buffering and screening standards, per Section 1400, where applicable.