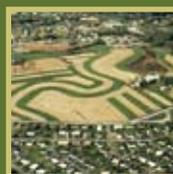


Agricultural Zoning District Guidelines for Lancaster County, Pennsylvania

Lancaster County, Pennsylvania



Lancaster County Planning Commission
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Chapter 1

Introduction

Zoning ordinances are intended to implement the planning vision of the community. This vision is established and delineated through the comprehensive plan, which, ultimately, is the community's statement of intent of what it wants to become. Zoning ordinances give form to that vision, regulating the appropriate location for specific uses and the design of those uses. Agricultural zoning regulations are usually intended to ensure the continuation of the agricultural industry in a community. The regulations often attempt to define agriculture, what types of uses are appropriate or compatible in an agricultural area, and the amount of non-agricultural development, such as rural residential, that should be allowed.

Historically, agricultural zoning districts have evolved concurrently with the view of rural development expressed in the municipality's comprehensive plan. Many comprehensive plans viewed agricultural and rural areas as short-term holding areas which would eventually be converted to residential or some other non-agricultural use. These areas were also seen as the "catch-all" of large rural uses that couldn't be placed elsewhere. Examples include small airport landing strips, quarries, and golf courses.

Eventually, agricultural zoning districts and regulations began to be recognized as the primary mechanism by which a community's agricultural resource and industry is protected. All other uses, especially those that may negatively impact agriculture, are seen as having secondary importance. The challenge municipal officials and the communities that they represent face is to craft regulations that allow landowners flexibility in the economic use of their land while still maintaining the long-term viability and sustainability of agriculture, as well as limiting and controlling the impacts of future development in rural areas and protecting natural resources such as water bodies.

Chapter 2

General Guidelines

Development Intensity

Agricultural zoning ordinances in the United States have generally been classified as being either exclusive or non-exclusive. Exclusive agricultural zoning permits use of the land only for agricultural purposes. Only accessory buildings such as barns or sheds are permitted by right to be built and residential uses, even for the farm operator or farm labor, are permitted by special exception or conditional use, and must be located on non-prime agricultural soils.

There are a number of examples of non-exclusive agricultural zoning used around the United States. The first type of non-exclusive agricultural zoning many municipalities in the country adopted was large lot zoning which simply increased the lot size required for residential development. As discussed earlier in the Montgomery County, Maryland example, this type of zoning scheme not only fails to promote farmland preservation, it is actually counterproductive to this goal. More agricultural land is consumed for fewer dwellings and residential development pressures are pushed out further and faster than they otherwise would, exacerbating rural sprawl and farmland conversion. Increased lot sizes can also dramatically increase the cost of housing.

Another example, primarily used in the Midwest and West, is called quarter/quarter zoning, which refers to a quarter of a quarter section of land (1/16th of 640 acres, or 40 acres). This system allows for one non-farm dwelling for every 40 acres owned. If a parcel is smaller than 40 acres no development is permitted. A third example of non-exclusive agricultural zoning is open space or cluster development zoning. This type of zoning allows for the clustering of development already permitted for a property to a specific portion of the property. While the individual lot sizes may be smaller than under conventional zoning, the overall density of development on the site remains the same. The remainder of the property that is not developed can remain in agricultural or open space use. Cluster zoning is not as effective a tool in preserving farmland as simply reducing the amount of development that can occur on a farm, but it is much more effective than conventional subdivision development in preserving important natural or other features. Cluster zoning can permit developers to set aside and protect these features while developing the number of houses they otherwise would.

The type of system most often used in Lancaster County is an area-based allocation system which ties the amount of permitted development to the size of the parcel being subdivided. There are two types of area-based allocation systems. The first is the fixed scale system under which a landowner can build one dwelling unit or subdivide one lot per specified acreage owned. For instance, one dwelling or one lot is permitted for every 25 acres owned. The second system is a sliding scale under which the number of houses or lots permitted decreases as the size of the parcel increases. The area-based allocation systems can also be tied to the soil capability of the farm. Some municipalities require that any lots that are subdivided consist primarily of non-prime agricultural soils. Others permit additional development for portions of the property that is comprised of non-prime agricultural soils.



LCPC

To date, 11 townships in Lancaster County have adopted agricultural zoning that limits residential development to one lot permitted to be subdivided or dwelling constructed per 50 acres owned, or less. An additional 27 townships have adopted some version of one lot or dwelling per 20 or 25 acres owned. One other township has adopted an agricultural zoning district that place time limitations on development. In this municipality, one lot is permitted to be subdivided every four years. Two townships have not adopted effective agricultural zoning.

Lot and Farm Size Requirements

In addition to limiting the number of lots that can be created or dwellings that can be built, many municipalities in Lancaster County also regulate the size of the lot that is subdivided, as well as the size of the farm the lot is subdivided from. The minimum lot size of the residential lot is usually set at one or two acres. Often there is also a maximum lot size, usually two acres, or the minimum acreage necessary for an approved on-lot septic system, whichever is less. The maximum lot size serves to reduce the amount of agricultural land converted to non-agricultural use. Most townships also have a minimum farm size, usually 10 acres in size. This requirement serves two purposes. First, certain uses, such as farm businesses are only permitted on parcels that meet the minimum defined farm size. Secondly, many zoning ordinances prohibit the subdivision of a farm parcel where the resultant size of the farm falls below the minimum farm size. The justification most often cited for a minimum farm size of 10 acres is that it is the same minimum acreage that a landowner must possess to participate in the State's preferential tax assessment program for farmland, Act 319, Clean and Green. Eighteen townships have adopted a minimum farm size greater than 10 acres. One has enacted a minimum of 50 acres.

Permitted Land Uses

In Lancaster County, agricultural zoning districts have traditionally been judged to be effective or not primarily based on how much non-farm residential development was permitted. Zoning districts that limit residential development to no more than one lot or dwelling unit per 20 or 25 acres were judged to be effective. However, it has become apparent that the types of uses that are allowed in agricultural zoning districts can be of equal importance.

Certain land uses that are traditionally allowed within rural or agricultural areas, such as quarries and feed mills, consume large amounts of land that would otherwise be dedicated to agricultural use. These uses were often justified either by their geographic and geologic uniqueness (quarries) or by the need to have agricultural support industries in agricultural areas. Recently, other land uses such as institutional uses that may require a relatively large amount of land that can't be readily located within a Designated Growth Area, have been allowed in some rural areas. Examples of these include large-acreage churches, public schools, often with more than one school located on a campus location, golf courses, campgrounds, and airports or landing strips.

The Rural Strategy in Balance recommends that commercial, institutional, industrial, and other employment uses that do not directly relate to rural resources should be located in Villages or Rural Business Areas. Furthermore, commercial and institutional uses should be limited in size and scale to serve



rural residents while larger commercial and institutional uses should be located in Urban Growth Areas. Uses that relate to rural resources such as agricultural support businesses and heritage tourism enterprises may be permitted within Designated Rural Areas provided that other criteria are met.

A. Rural Businesses

Another land use issue that has taken on increased importance in the last 10 years is the impact of on-farm or rural businesses. These types of businesses have primarily, but not exclusively, been established by Plain Sect operators. According to *Amish Enterprise: From Plows to Profits* (1995) written by Donald Kraybill and Steven Nolt, there were almost no Amish owned businesses in Lancaster County prior to 1970. By 1990, there were nearly one thousand shops. By 2003 it was estimated that there were more than 1,600 Amish businesses. Kraybill predicted in the 1995 study that by 2010 there would be more than 2,300 Amish-owned businesses in Lancaster County.

In 2003, the Lancaster County Planning Commission organized two Rural Business Roundtables for municipal officials. The intent of these meetings was to provide a forum for township supervisors, planning commission members, and zoning officers to exchange information on the impacts and regulation of these businesses. Among the concerns voiced by the township officials was the difficulty in monitoring the activities of the business, how big the business should be allowed to grow before it is forced to move, the need to master plan the site in order to coordinate the development of the business, additional dwellings, farm buildings, etc., and establishing appropriate and enforceable performance standards.

The Blue Ribbon Commission report lists as a high priority recommendation “Permit, when possible, small ancillary businesses on farms that are related or support agricultural business.” The Rural Strategy of Balance states that “On-farm businesses that are related to the agricultural industry... should be permitted and encouraged through local regulation, with provisions to limit impact on agricultural resources and uses (e.g. productive farmland). On-farm businesses that do not relate to the agricultural use of the land (e.g. furniture manufacturing) should be strictly controlled as an accessory use that is clearly subordinate to the primary agricultural use.”

B. Agritourism

One type of land use that has become increasingly important in agricultural and rural areas in Lancaster County is agritourism businesses. The Lancaster County Strategic Tourism Plan states that successful tourism depends upon the quality of the natural and built environments. Lancaster County’s distinct character and quality resources provide the foundation for developing appropriate types of authentic tourism products that would ensure the county remains a unique and competitive destination in the future. Therefore, any tourism venture or experience that would be permitted in the agricultural and rural areas of the county must be directly related to supporting the primary agricultural use of the farm by interpreting the agricultural heritage of the county and providing a distinctly Lancaster County experience.

The LCPC created the Agri-Tourism Guidelines in 2009 to assist municipalities in

planning for and regulating these types of businesses. The Guidelines were created to:

1. Identify the types of “authentic” agritourism related activities, experiences, and uses that would support the primary use of the farm, which is farming, and that should be permitted within local agricultural and/or rural zoning districts;
2. Develop guidelines which will ensure that the agritourism related activities that are permitted in an Agricultural or Rural District meet the legitimate public health, safety and welfare concerns of the local governments, and;
3. Create a recommended administrative process for reviewing and permitting proposed agritourism related ventures within a municipality.

C. Energy

Many municipalities have recently seen an increase in proposals for alternative energy production, oftentimes in the Agricultural District. These proposals encompass a wide range of energy types, including manure digesters, wind, solar, and outdoor furnaces. These guidelines will not address specific performance standards for each of these uses. The LCPC can provide examples and recommendations for the regulation of these uses. However, municipalities should first consider a fundamental policy determination in allowing these uses, that is, is the use directly related to or supportive of agriculture. As discussed earlier, most municipal zoning ordinances include an intent section for each of its zoning districts. Agricultural zoning districts are usually created to protect and preserve agriculture as an industry and for its heritage in Lancaster County. Other uses are either prohibited in the Agricultural District or regulated to limit the impact on agriculture.

Certain land use proposals for alternative energy production, such as manure digesters, are directly related to agriculture in the Township. Other proposals, such as retrofitting agricultural buildings with solar panels, support the agricultural operation. Other uses may not be directly related to agriculture but desire to locate in a rural area because of the availability of large parcels of land.

Chapter 3

History of Agricultural Zoning

United States

Zoning regulations are intended to govern how land in a community can be used. They regulate the types of permitted uses and the intensity of development that can occur. The Supreme Court of the United States first ruled in 1926, in the seminal zoning case *Village of Euclid v. Ambler Realty*, that a community could zone designated areas to protect the health, safety, and general welfare of a community. Land uses could be divided into separate and distinct categories such as residential, commercial, and industrial.

Beginning primarily in the 1970's, municipalities around the United States began to adopt some form of agricultural zoning. Agricultural zoning is used by communities to preserve their agricultural base. Prior to the adoption of agricultural zoning, agricultural land was seen by many municipalities as land that was not yet developed. The National Agricultural Lands Study, which was completed in 1981, estimated that agricultural zoning was being utilized in approximately 270 counties around the country. In a 1995 informal study by the American Farmland Trust (AFT), about 700 local units of government in 24 states had enacted some form of Agricultural Protection Zoning, as defined by AFT. There were many more examples of agricultural zoning around the country that differed from the baseline defined by AFT.

One of the earliest examples of agricultural zoning was enacted by Montgomery County, Maryland. In 1973, Montgomery County adopted a Rural Zone, which required a minimum five acre lot size. However, this zoning district led to large lot residential development and the county lost over 12,000 acres of farmland between 1973 and 1979. In 1980 the County adopted the Agricultural Reserve which expanded the Rural Zone from 80,000 to 93,000 acres and limited development in the Agricultural Reserve to one lot per 25 acres owned. The County has also implemented a Transfer of Development Rights program in the Agricultural Reserve which has led to the permanent preservation of 40,000 acres of farmland. An additional 10,000 acres have been preserved through county and state easement purchase programs.

Pennsylvania

A number of municipalities in Pennsylvania, primarily in the south central and southeastern parts of the state, have adopted some form of agricultural zoning. Most of them are based on the fixed or sliding scale system, discussed later in this report that ties the level of permitted residential development to the amount of land owned. The validity of agricultural zoning in Pennsylvania was strengthened in 2003 by a ruling of the Pennsylvania Commonwealth Court. In *Heritage Building Group, Inc. v. Plumstead Board of Supervisors*, Heritage argued that Plumstead Township, in Bucks County, was in the path of growth, that agricultural land was not highly developed, and that the Township's failure to rezone agricultural land for residential use was exclusionary. The Commonwealth Court agreed with the Board of Supervisors "... that land developed for agricultural or agricultural-related purposes are properly considered to be 'developed' ..."

Lancaster County

Agricultural zoning districts have existed in Lancaster County for over thirty years. Early versions of these zoning districts recognized the existing agricultural uses but usually also allowed for low-density rural residential development. Beginning in the late 1970's and early 1980's agricultural zoning was amended in most Townships in the County to limit the amount of residential development that could occur.

In 1978, the Lancaster County Planning Commission prepared the Sample Agricultural District Zoning Ordinance Provisions as a model agricultural zoning district. This report established two different approaches that municipalities could consider in crafting their own agricultural zoning district. Approach 1, being non-exclusive, would permit limited agricultural, horticultural, and forestry uses, and dwellings for those involved in the operation of the farm. Some special exceptions were allowed only on non-prime agricultural soils.

Approach 2 was more exclusive than Approach 1 and involved the establishment of two separate zoning districts. The first, an Agricultural District, would permit all of the uses permitted by right in Approach 1, but all structures must be located on non-prime soils. The philosophy of Approach 2 is that prime agricultural soils should be reserved solely for agricultural production.

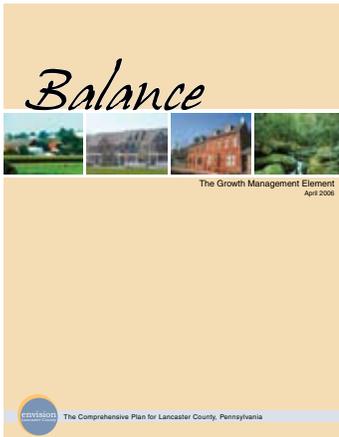
Beginning in the early 1980's, the Lancaster County Planning Commission established the Agricultural Preservation Planning Grant Program for local municipalities. Many municipalities took advantage of this program to create and adopt effective agricultural zoning districts intended to provide for continued agricultural use. By 1984, 24 of the 41 townships had enacted effective agricultural zoning, protecting over 184,000 acres. Currently, 39 townships have adopted some form of agricultural zoning covering almost 325,000 acres in the county.



Chapter 4

Agricultural and Rural Planning in Lancaster County

Lancaster County Comprehensive Plan



Balance: The Growth Management Element of the Comprehensive Plan for Lancaster County, Pennsylvania.

In 2006, Lancaster County adopted *Balance*. This Growth Management Element Update builds on two previous plans (one in 1993 and one in 1997) for the management of growth in Lancaster County. The Key Message of *Balance* is that it "... is designed to help achieve and sustain Lancasterians' Vision of a balanced community where urban centers prosper, natural landscapes flourish, and farming is strengthened as an integral component of our diverse economy and cultural heritage."

Balance, for the first time, introduces the creation of Designated Rural Areas, to the County's growth management framework. These Areas are equal in importance to Urban Growth Areas where the County plans to target future growth to occur. Rural Areas, on the other hand, are areas within which significant agricultural, natural, historic, architectural, and scenic resources are to be protected. *Balance's* Rural Strategy points out that in the 1997 Growth Management Element of the County Comprehensive Plan, implementation strategies were developed to focus new development in urban rather than rural areas. However, the 1997 Update did not define comparable strategies to preserve rural areas and a rural way of life beyond farmland preservation programs.

Therefore, *Balance* develops a Rural Strategy, founded on three basic principles. First, the amount of new residential growth in rural areas should be reduced and employment should relate to the rural economy or the needs of rural residents. Second, in addition to farmland preservation, the viability of the rural economy (agriculture and other economic activities based upon links to rural resources) must be maintained. Finally, municipalities, the County, and providers of public infrastructure and services must coordinate policies, regulations, and capital investment decisions to protect rural resources in Designated Rural Areas.

The Designated Rural Areas have been divided into three separate categories: 1) Designated Agricultural Areas, which contain concentrations of high value agricultural resources; 2) Designated Natural Resource Areas, which contain concentrations of high value natural resources; and 3) Rural Centers to which development not directly related to the rural economy is to be directed.

In addition to establishing Designated Rural Areas, *Balance* supports the maintenance of the viability of farming, rural business enterprises, rural tourism, and other resource-based businesses and industries. One of the four objectives outlined to implement the Rural Vision is to "Maintain economic links to the land by supporting the agricultural industry and other components of a healthy rural

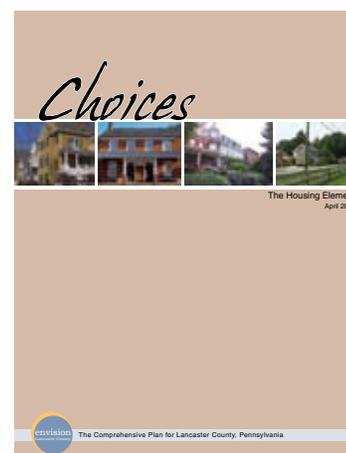
economy.” Obviously the most important part of the rural economy is agriculture itself. According to the 2007 *U.S. Agricultural Census*, Lancaster County produced almost \$1.1 billion in agricultural sales. Besides agriculture, the Rural Strategy recognizes other components of the rural economy. These include rural enterprises such as light manufacturing, local retail uses catering to the needs of rural residents, home based businesses, and rural resource based tourism.

Balance recommends that no more than 15% of the County’s future housing needs are to be located in rural areas. The LCPC’s Growth Tracking Reports between 1994 and 2002 indicates that 73% of housing units in Lancaster County were constructed in Urban Growth Areas. An additional 3% were constructed inside Village Growth Areas. The remaining 24% of new housing units were constructed outside of a Designated Growth Area. A key challenge of the Rural Strategy is to reduce the percentage of new housing units from 24% to 15%. The Rural Strategy recommends three basic approaches to meeting this challenge. The first is to only permit residential development that directly relates to the rural economy and way of life with appropriate standards to protect resources. The second is to focus development in Rural Centers, which are intended to capture growth that would otherwise occur as rural sprawl. Rural Centers have been identified as areas of compact development such as existing villages and crossroads communities, rural business areas, and rural neighborhoods. The final strategy is to direct public and institutional uses to Urban Growth Areas whenever possible.

Choices: The Housing Element of the Comprehensive Plan for Lancaster County

Choices: The Housing Element of the Comprehensive Plan for Lancaster County was also adopted in 2006. While *Balance* recommended that the overall amount of residential development in rural areas be reduced to no more than 15% of the County’s total, *Choices* recognizes that there must be a range of housing options in terms of type and affordability. One strategy of *Choices* is to encourage municipalities, not-for-profit organizations, the private sector and the community in general to increase rural housing opportunities and affordability while reducing sprawl and maintaining the unique character of villages and other rural communities through conservation, infill, and revitalization.

While the lack of urban services and infrastructure, particularly public water and/or sewer service will limit options in rural areas, there are opportunities to increase the availability of affordable housing. These include allowing the conversion of single-family dwellings into two-family dwellings and the creation of a secondary family dwelling. Also, some villages in the County may require some type of public or community sewerage system in the future as existing on-lot sewage systems become exhausted. These Rural Centers could then accommodate a limited amount of new residential development at relatively higher densities than more compact development patterns, while still protecting the community’s water resources.





Heritage: The Cultural Heritage Element of the Lancaster County Comprehensive Plan

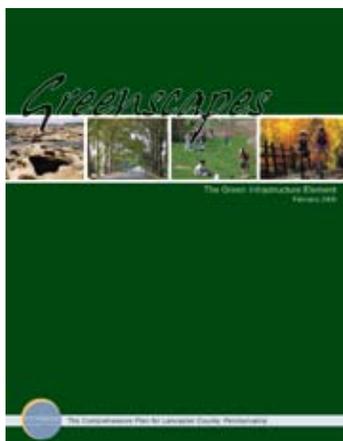
The Key Message of *Heritage* is that this plan is "...designed to help residents and visitors discover, interpret, preserve, and celebrate the county's heritage resources." The Plan includes numerous strategies for identifying and preserving the County's rich cultural heritage, whether it is located in the City of Lancaster, in the boroughs and villages, or in the countryside. One of the recommendations is to sustain the county's working landscapes, especially small farming operations. The plan states that municipalities could adopt "traditional use" or "cultural protection" overlay districts in areas in which they wish to sustain working landscapes.

Heritage also discusses the opportunities to expand heritage tourism, which is the practice of traveling to experience cultural and historic attractions to learn about a community's heritage. Not only does heritage tourism provide an avenue for visitors to experience the history and culture of Lancaster County, it also provides an economic stimulus for those involved in providing the tourism experience. In light of this recommendation, the Lancaster County Planning Commission, in conjunction with municipal and industry partners, has produced the *Agritourism Guidelines* for the Promotion and Regulation of Farm-Based Enterprises.

These *Guidelines* were created to: 1. Identify the types of "authentic" agritourism related activities, experiences, and uses that would support the primary use of the farm, which is farming, and that should be permitted guidelines which will ensure that the agritourism related activities that are permitted in an Agricultural or Rural District meet the legitimate public health, safety and welfare concerns of the local governments; and 3. Create a recommended administrative process for reviewing and permitting proposed agritourism related ventures within a municipality.

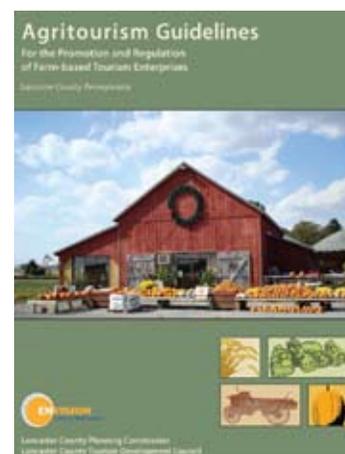
Greenscapes: The Green Infrastructure Element of the Lancaster County Comprehensive Plan

Greenscapes defines a vision, goals, objectives, strategies, and tools to preserve, conserve, restore, and enhance natural resources through the establishment of a countywide, integrated green infrastructure system. It highlights the importance of protecting large blocks of contiguous land and improving connectivity as it aims to establish a network of natural areas, conservation lands, and working landscapes. *Greenscapes* provides a blue print for accommodating appropriate growth and development while preserving the region's most valuable natural resources, native species, cultural assets and agricultural economy.



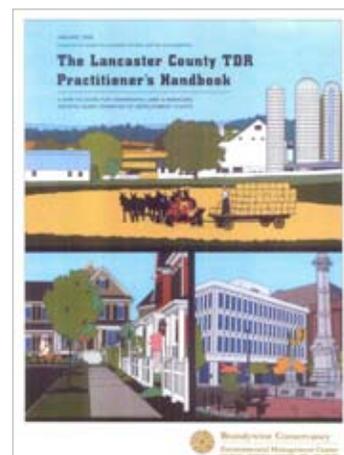
Agritourism Guidelines

Agritourism Guidelines are for local municipalities that wish to implement sustainable agritourism strategies to allow for the continued prosperity of the county's family farms. The guidelines discuss appropriate agritourism enterprises and supply model zoning language to allow for agritourism in rural areas. Any tourism venture or experience that would be permitted in the agricultural and rural areas of the County must be directly related to supporting the primary agricultural use of the farm by interpreting the agricultural heritage of the county and providing a distinctly Lancaster County experience. Certain types of uses are more appropriate than others in an agricultural or related zoning district because of the direct nexus to experiencing Lancaster County's agricultural heritage.



The Lancaster County TDR Practitioner's Handbook

The primary purpose of this *Handbook* is to share existing knowledge about Transfer of Development Rights programs gained from three successful municipal TDR programs in Lancaster County as well as the experience of the *Handbook* authors, with municipalities, landowners, and developers who are considering use of TDRs. By drawing upon local TDR knowledge, municipalities will better understand how to establish a TDR program through their comprehensive plan and zoning ordinance. They can identify sending and receiving areas consistent with *Balance* and their own municipal plans. Through the use of TDRs, municipalities can help preserve more farmland and encourage more efficient use of the County's Designated Growth Areas.

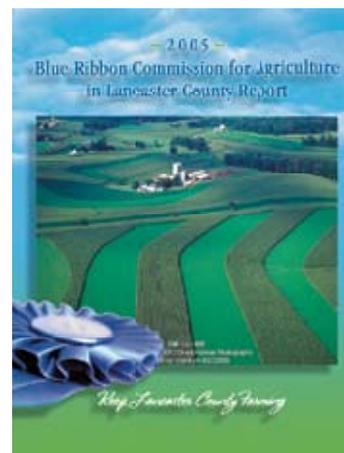


Blue Ribbon Commission Report for Agriculture in Lancaster County, Pennsylvania- Phase 1 Report

In 2005, the Lancaster County Commissioners helped to create the Blue Ribbon Commission. Out of this process, the Blue Ribbon Commission forwarded 52 recommendations to the County Commissioners.

The recommendations were divided into five broad groups:

1. Economic development; 2. Communications/leadership; 3. Farmland preservation; 4. Tax equity; and 5. Zoning. Within the zoning category, the following was listed as the Highest Priority: "County should encourage townships to adopt an Intensive Agricultural Zone that limits residential homes only for farm family members and hired workers and provides for agriculture-related building expansion, night time farming operations, moving of oversize farm vehicles, etc."



Furthermore it recommends that subdivision in these zones be limited and that residential and non-farm industrial development be kept off of agricultural land and channeled into existing growth areas.

Among the items listed as a Very High Priority are providing sample ordinances and right to farm language to townships, and the County funding municipalities in their efforts to strengthen zoning and provide cost-effective infrastructure to promote the redevelopment of existing urban growth areas, villages, crossroads communities, and brown fields.

Two of the items listed as High Priority are to permit, when possible, small ancillary businesses on farms that are related to or support agriculture, and urge state government to amend the *Pennsylvania Municipalities Planning Code* to support stronger agricultural zoning and urban redevelopment.



Chapter 5

Agricultural District

Agricultural zoning districts, like all traditional zoning districts, primarily look at two issues: the type of land use that can be developed in that district and the intensity of development of that use. Both of these factors can detract from, or support, the long-term viability of the agricultural resource and the agricultural economy. Section 603, Ordinance Provisions, of the Pennsylvania Municipalities Planning Code, states that zoning ordinances “may permit, prohibit, regulate, restrict and determine ... the protection and preservation of natural and historic resources and prime agricultural land and activities.” It also states, in Section 603 (g) (1), that “zoning ordinances shall protect prime agricultural land and may promote the establishment of agricultural security areas.” Section 604, Zoning Purposes, indicates that the provisions of zoning ordinances shall be designed to, among other things, “preserve prime agriculture and farmland considering topography, soil type and classification, and present use.”

The following model agricultural zoning district incorporates the organizing structure and zoning district numbering system utilized by many municipalities. These are intended to be illustrative.

Section 001 (A) Agricultural District

Section 001.1 Intended Purpose

It is recommended that the Agricultural Zoning District, like all other zoning districts, include the Intended Purpose of that zoning district. This purpose statement should include a reference to all applicable planning documents and a statement that the zoning ordinance is intended to implement those underlying planning principles. Most agricultural zoning districts in Lancaster County state the district is intended to preserve valuable agricultural soils and promote the continuation of agriculture as an economic activity. The purpose statement generally references the planning objectives of the Municipalities Planning Code and also includes a “nuisance disclaimer” that warns future residents about the impacts associated with normal farming practices, such as noise, odors, dust, and slow-moving agricultural vehicles.

The following example from Rapho Township’s Agricultural Zone is fairly typical of the purpose statement seen in most agricultural zoning districts in Lancaster County:

“Purpose – *The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. Areas contained within the Zone have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. This Zone also intends to protect and stabilize the Township’s viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this Zone must be willing to accept the impacts associated with normal farming practices, and*



related businesses. Finally, the provisions of this Zone have been specifically formulated to further the objectives of the Municipalities Planning Code which provides that local zoning ordinances shall be designed “to preserve prime agriculture and farm land considering topography, soil type and classification, and present use.”

Section 001.2 Definitions

The word “agriculture” is often one of the most difficult words for any zoning ordinance to define. Agriculture can, and should, include a wide range of activities that would traditionally be defined as agriculture. Pennsylvania’s Agricultural Security Area law defines agricultural production in part as “(i) The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of the crops, livestock or livestock products...”

The following definition from the Mount Joy Township zoning ordinance is typical of what most township zoning ordinances have included:

“Agriculture – the use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment for housing and feeding the animals and housing the equipment. The use of land for a dwelling site is not an agricultural purpose.”

Another definition that can be problematic for many townships is that of “farm support business” or “rural business.” In defining these and other terms townships should avoid placing performance criteria in the definition. These criteria and the associated regulations should be placed in the regulatory portion of the zoning ordinance. Two examples of these definitions are from Leacock Township and Eden Township:

Leacock Township: “Businesses in the Agricultural District provide at-home employment opportunities that are intended to serve residents of the agricultural community. The business shall not become the primary use on the parcel. The primary use of the parcel shall be (1) residential or (2) occupied farm use...”

Eden Township includes definitions for both Farm Occupations and Rural Occupation. Farm Occupations are “An accessory use to the primary agricultural use of a farm in which residents engage in a secondary occupation conducted on the active farm.” Rural Occupations are defined as “A commercial or industrial activity that is conducted as an accessory use to the primary residential use of a lot, which is clearly incidental and subordinate to the residential use of the lot.”

A third term whose definition varies widely among townships is Intensive Agriculture or Intensive Agricultural Production Facility. Bart Township has included within the definition of Intensive Agricultural Production Facility the terms Agricultural Operation (Normal), Agricultural Production, Concentrated Animal Feeding Operation, and Concentrated Animal Operation. The Township has included the most recent definition of these terms as defined by the applicable state agency.

Pennsylvania’s Nutrient Management Law includes definitions of terms including

concentrated animal feeding operation, concentrated animal operation, animal housing facility, manure management facility, and others. Townships should either include these definitions, as well as the specific nutrient management regulations enforced by the state, or simply defer to the state definitions and regulations. In Pennsylvania, almost all aspects of nutrient management are regulated through PA Act 38 of 2005, the Agriculture, Communities, and Rural Environment (ACRE) law which preempts local municipalities from enacting more restrictive legislation.

Section 001.3 Uses Permitted by Right

Most townships in Lancaster County are very restrictive in the uses permitted by right in the agricultural zoning district, primarily limiting these uses to agriculture and agriculture-related uses and municipal and utility uses. Some townships will permit the subdivision of lots or construction of dwellings by right, others will utilize the special exception process to ensure proper siting of residential uses on the farm. The following example from Warwick Township is a good illustration of the types of uses typically permitted by right.

- (1) *Agriculture, including one single-family detached dwelling contained on the site and including commercial poultry operations and commercial livestock operations as defined herein.*
- (2) *Horticultural and forestry-related uses*
- (3) *Municipal uses*
- (4) *Public utilities structures*
- (5) *Accessory uses customarily incidental to the above permitted uses including, but not limited to, the following*
 - (a) *roadside stands...*
 - (b) *family day-care facilities...*
 - (c) *manure storage facilities, as an accessory use to the farm...*
 - (d) *beekeeping*
- (6) *On any parcel where the principal use is a residential use established before November 13, 1985, accessory uses permitted by the R-1 Residential Zone*



It is recommended, and most townships have adopted in their zoning ordinances, that almost all agricultural uses, as included in the definition of Agriculture in the zoning ordinance, be permitted by right. Some municipalities may wish to review certain agricultural operations such as concentrated animal feeding operations by special exception or conditional use. However, the state ACRE legislation forbids

local municipalities from imposing additional burdens beyond what is allowed through the state nutrient management law. In addition, the presumption of Lancaster County and most municipalities within the County is that these types of agricultural operations are an accepted and important part of the agricultural economy and should be permitted by right as normal farming operations.

Section 001.4 Uses Permitted by Special Exception and/or Conditional Use

Municipalities Planning Code

Municipalities in Pennsylvania utilize special exception or conditional use procedures to ensure that applicants demonstrate that the proposed use meets the categorical definition of a permitted use, and that the specific requirements contained in the ordinance will be met. Specific criteria, for example, refer to such factors as lot size, increased setbacks, buffering or landscaping requirements or additional parking spaces. An application for a special exception (or conditional use) should be denied only when the adverse impact upon the public interest exceeds that which might be expected in normal circumstances.

Section 912.1 of the Pennsylvania Municipalities Planning Code states that a Zoning Hearing Board shall hear and decide requests for special exceptions. In granting a special exception, the Board may attach reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the MPC and the zoning ordinance

A conditional use is a special exception that falls within the jurisdiction of the governing body rather than the zoning hearing board. Conditional uses are optional; that is, conditional uses may be provided for in the zoning ordinance if desired.

Uses which could be provided as conditional uses rather than as special exceptions are often those uses that could have a direct effect upon the lives of all persons within the community. Some examples of such land uses are airports, quarries, or land fills. Such uses would be specifically listed under the various zoning districts. The governing body would then have the opportunity to thoroughly examine the proposal and to impose any reasonable safeguards necessary to implement the purposes of the ordinance and to protect the public's general welfare.

The types of uses that are typically included as special exceptions and/or conditional uses in agricultural zoning districts in Lancaster County include those intensive uses that are generally supportive of agriculture, and a limited number of institutional or recreational uses that are generally located in rural areas of the County. Balance states that in addition to farming and farm-support businesses and infrastructure, other components of the rural economy include rural enterprises, both on and off farm, local retail uses catering to the needs of rural residents, home based businesses, and rural resource-based tourism.

The following list of special exceptions permitted in Earl Township's Agricultural District is typical of those seen in many agricultural zoning ordinances. There are supplemental regulations elsewhere in the zoning ordinance for many of the listed uses.

1. *Bed and breakfast establishments (conversion of existing residential structures only).*
2. *Churches.*
3. *Commercial grain or commercial feed mills.*
4. *Communications towers and antennas for the purpose of facilitating communications services and attendant support structures*
5. *Facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies.*
6. *Kennels, including commercial animal breeding operations.*
7. *On-farm occupations.*
8. *Outdoor recreational uses with no permanent buildings or structures.*
9. *Public and private schools having a total enrollment of more than fifty (50) students.*
10. *Retail sale of nursery and garden materials.*
11. *Riding school or commercial horse boarding stable.*
12. *Wholesale agricultural produce sales, stockyards, and buying stations.*



In regard to the above list of uses permitted by special exception, many municipalities have begun to limit the amount of acreage that can be converted to non-agricultural use. Institutional uses such as schools and churches have been a traditional part of Lancaster County's rural heritage. However, these types of uses were, traditionally, smaller-scale uses that primarily served the surrounding agricultural community. In recent years, school districts have consolidated a number of schools onto campus locations of 50 acres of land or more outside of Designated Growth Areas. Similarly, some churches have also chosen to locate on large campus settings in rural areas. It is recommended that municipalities impose maximum lot sizes for these and other uses who choose to locate in rural areas primarily because of the availability of large land parcels.

Therefore, it is recommended that maximum lot sizes be adopted to minimize the amount of land converted to non-agricultural use. Some townships have adopted a maximum lot size ranging from 5-10 acres for churches, and limiting the development of schools to single-room, parochial schools. The reasoning is that the agricultural zoning district is an appropriate location for small, mostly Plain Sect schools but not appropriate for larger schools with increased impacts on an

agricultural setting.

Other land uses that may require relatively large amounts of land, such as golf courses and airports/landing strips, but aren't related to the agricultural industry should not be permitted within the Agricultural District.

As mentioned earlier in this report, one of the fastest growing components of the agricultural economy in Lancaster County over the last 20 years has been farm-support or rural businesses. These businesses historically started out as small, often seasonal activities that were truly supplemental sources of income. Since that time, the scope, size and nature of these businesses has rapidly evolved. Today, they are often the primary sources of income subsidizing the agricultural operation. The impacts created by these businesses have often greatly affected the townships in which they are located, most often in utilizing rural roads for industrial use.

The following example from Little Britain Township is fairly typical of farm business zoning regulations in Lancaster County:

Farm Related Businesses

PURPOSE – Goals and Intent of Farm-Related Businesses: Farm occupations provide at-home employment opportunities that are intended to supplement family income during non-growing seasons. The farm occupation opportunity is a method which can enhance and preserve the agricultural viability of the parent tract, and should be a secondary use of part of the parent tract, and should not become the primary use on the parcel. The primary use of the parcel should remain an agricultural use. Therefore, the applicant must provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users. Farm-related businesses shall meet the following standards and conditions:

1. **ACCESSORY BUILDINGS** – *A farm related business shall be conducted either in a farm dwelling or in an accessory building (including a roadside stand). [Note: some municipalities may require that the farm related business only be conducted in an existing accessory building]*
2. **BUILDING CONVERSION** – *Any building constructed for the use of the farm occupation shall be of the nature that it can be converted to agricultural use or removed from the property if the farm occupation is discontinued.*
3. **COMPATIBLE USES** – *For the purposes of this Ordinance, farm occupations may involve any one of a wide range of uses, so long as the use is not incompatible with the primary agricultural use of the land. The applicant must demonstrate that the farm occupation is compatible with the rural setting and will not create nuisances for nearby residences.*
4. **MAXIMUM LOT COVERAGE** – *The maximum lot coverage of a farm related business shall be two (2) acres, including all structures, buildings, parking and outdoor storage, but shall not exceed a total of five thousand (5,000)*

- square feet of building space.*
5. *MINIMUM SETBACK – Farm-related businesses shall not be located within one hundred (100) feet of any property used principally for residential purposes, any farm dwelling in separate ownership, or from any roadway.*
 6. *MOBILE HOMES – No mobile home may be utilized as part of the farm related business.*
 7. *OUTSIDE EMPLOYEES – No more than five (5) persons in addition to occupants of the parcel, shall be employed in the farm business.*
 8. *OUTDOOR STORAGE – Outdoor storage of supplies, materials and products shall be screened from adjoining roads and properties. The display of farm equipment for sale shall be excluded from this provision.*
 - a. *No outside storage areas shall be located closer than ten (10) feet to any rear property line and no closer than twenty (20) to any side property line.*
 - b. *All such storage shall be screened from roads and residences (except from dwellings located on the parcel). Such screening shall be composed of a year round vegetative visual barrier, which shall attain a height of six (6) feet within two (2) years of planting.*
 9. *OWNER OCCUPANCY – At least one owner of the farm business shall reside on the premises.*
 10. *PARKING – Off-street parking and loading shall be provided in accordance with the provisions of Section 313.*
 11. *PERMITTED USES – For the purposes of this Ordinance, farm related businesses may involve any of the uses satisfying the requirements of subsection 425.3*
 12. *RESIDENTIAL SUBDIVISIONS – For farm parcels up to fifty (50) acres in size, while the farm related business is in operation, non-farm related residential subdivisions... will not be permitted.*
 13. *SIGNS – One outdoor sign shall be permitted for a farm-related business.*
 14. *VEHICLE STACKING – The length of access drive shall be of a sufficient length to accommodate the stacking of delivery and customer vehicles.*
 15. *VEHICLE ACCESS – If any portions of the farm related business are not paved, the farm related business must provide a paved apron and a gravel scraping area adequate to prevent tracking of mud and manure onto any public roadway.*

Townships have most often attempted to regulate certain aspects of the farm business. These include generally prohibiting retail sales as a way of limiting traffic generation, requiring the business, as well as materials, to be located within an existing farm building, limiting hours of operation, and limiting the size and location of signage. Townships should evaluate the regulation of impacts of farm businesses with their location within an agricultural zoning district. These zoning districts, by definition, contain agricultural uses which themselves can create significant impacts.

Leacock Township has adopted a unique and innovative approach to permitting agricultural businesses. Businesses in the Agricultural Zone are permitted by special exception in the Agricultural Zone and they are intended to "... provide at-home employment opportunities that are intended to serve residents of the agricultural community. The business shall not become the primary use on the parcel. The primary use of the parcel shall be (1) residential or (2) occupied farm use..."

The regulations include a limited list of permitted uses. For parcels between one and two acres, the maximum building coverage is 4,000 square feet. Parcels greater than two acres in size also have a maximum building coverage, with fewer limitations for businesses conducted within existing buildings.

In addition to the businesses permitted by special exception in the Agricultural Zone, Leacock Township has also created two separate zoning districts for uses of a greater scale than would be permitted in the Agricultural Zone. The intent in creating these zoning districts is to allow farm businesses that have expanded beyond that which is allowed in the Agricultural Zone to stay within the Township but relocate to a more appropriate location.

The Purpose of the Limited Manufacturing Zone is to "... provide services and facilities to support the Township's agricultural and farm-related businesses, and permits light or cottage industry type uses of a scale greater than would be permitted in the Agricultural Zone."

"This district also imposes design and performance standards to ensure that the limited manufacturing uses are compatible with adjoining land uses. Finally, these districts have been located along major roads so as to avoid the movement of commercial vehicles on local and narrow roads or along residential roads."

Leacock Township has also created a Light Industrial Zone whose Purpose is to "... provide services and facilities to support the Township's agricultural and farm related businesses, and permits light or cottage industry type uses of a scale greater than would be permitted in the Agricultural Zone or the Limited Manufacturing Zone. Unlike in the LM Zone, this district restricts the establishment of single family detached dwellings."

“This district also imposes design and performance standards to ensure that the limited manufacturing uses are compatible with adjoining land uses. Finally, these districts have been located along major roads so as to avoid the movement of commercial vehicles on local and narrow roads or along residential roads.”

Section 001.5 Lot and Farm Size Requirements

- Section 001.05.1 Minimum Lot Size
- Section 001.05.2 Maximum Lot Size
- Section 001.05.3 Minimum Farm Size

It is strongly recommended that Lancaster County townships should consider increasing the minimum farm size to be more closely in line with the average farm size of Lancaster County. A minimum farm size of 10 acres can promote the subdivision of farms into 10 acre “farmettes” or “rural estates” that further accelerate the breakup of farm parcels into properties that are increasingly difficult to economically farm. The Lancaster County Planning Commission recommends that the minimum permitted farm size be increased to at least 25 acres or 50 acres to better reflect the average farm size in Lancaster County.

Many townships in Lancaster County have a significant proportion of Plain Sect farmers and direct sale, farm to market operators whose farms are traditionally smaller. These municipalities should examine what the average farm size is in their township and craft a minimum farm size that matches actual conditions. One approach is to permit the subdivision of farms, on a limited scale, below the stated minimum farm size but to prohibit residential development on that property. This would allow for the reasonable agricultural economic use of that property while also prohibiting what is, in effect, large lot residential development in agricultural areas. Permitting the creation of substandard sized farms should only be allowed after the township has thoroughly analyzed the extent and location of existing smaller sized farms. It may be appropriate to only allow these farm parcels close to Designated Growth Areas, encouraging the development of direct sale, farm to market agriculture. Townships should determine whether livestock operations should be prohibited in these scenarios.

Leacock Township, as part of the update of its comprehensive plan, inventoried all of the agricultural parcels in the Township to determine the range of farm sizes and the number of farms by acreage. It was determined that a relatively small number of farm parcels were at least 40 acres in size, and that there were a relatively larger number of smaller farms. Therefore, the zoning ordinance was crafted to restrict development on larger parcels, those greater than 30 or 40 acres in size, while directing future growth to already existing smaller parcels.

In addition to imposing a minimum farm size, LCPC recommends, as many municipalities have imposed, a maximum lot size for residential uses of no more than one or two acres. The intent of this limitation is, again, to limit the amount of agricultural land converted to non-agricultural use. This maximum lot size has to be conditioned on the proposed lot being of an adequate size to comply with

Recommendation
Increase the minimum permitted farm size in Lancaster County to 50 acres.

Recommendation
Impose a maximum lot size for residential use of 1 to 2 acres.

all Department of Environmental Protection regulations pertaining to sewage disposal.

The combination of a maximum residential lot size and a minimum farm size should ensure that, in almost all situations, non-farm development consumes as little of productive farmland as possible and farm sizes are maintained at a sufficiently large enough size for continued economic production.

Section 001.6 Number of Lots or Dwellings Permitted

Section 001.06.1

According to the National Agricultural Statistics Service, in 2007 (latest data available) there were 5,462 farms in Lancaster County with an average farm size of 78 acres. Given that the majority of township zoning ordinances in Lancaster County have adopted a fixed scale system of allowing one lot or dwelling unit per 25 acres zoned, and defined a minimum farm size of 10 acres, agricultural zoning ordinances should be strengthened to more closely match the average acreage of the resource being protected. Townships should evaluate the scale and form of agriculture in their municipality and craft the agricultural zoning to best protect the resource.

Therefore, LCPC recommends that townships increase their fixed scale agricultural zoning to one lot or dwelling unit for every 50 acres owned. Some townships may be reluctant to increase the fixed scale from the existing one lot or dwelling per 25 acres owned to one lot per 50 acres owned. One compromise measure may be for these municipalities to examine the feasibility of participating in a Transfer of Development Rights program in which the landowner may transfer development rights at the existing one lot or dwelling per 25 acres owned, but can only subdivide lots or build dwellings at the one per 50 acre owned ratio.

Many municipalities have specifically included “farm subdivisions” in addition to the number of subdivisions permitted for residential use in calculating the number of permitted subdivision rights. That is, if an 80 acre farm is divided in half to create two 40-acre farms, this subdivision would count as one of the permitted subdivisions.

Another alternative suggested by some in the agricultural community and which LCPC recommends that municipalities consider is to enact exclusive agricultural zoning which would allow no development on agriculturally zoned land. One municipality in Lancaster County already limits the subdivision of farms to only one dwelling unit for a family member. Exceptions could be made for development on non-prime agricultural soils, but only for residential uses by family members or farm labor.

LCPC recommends that townships also consider provisions in their zoning and subdivision and land development ordinances which encourage locating new residences for family members and new farm businesses on existing farm parcels instead of subdividing lots off of the farm for these uses. The goal of this recommendation, as with almost all of the recommended agricultural zoning provisions, is to minimize the amount of agricultural land converted to non-agricultural use and ownership.

Recommendation

Increase fixed scale agricultural zoning to one lot for every 50 acres.

Recommendation

Encourage location of new dwellings for family members and new farm businesses on **existing** farm parcels.

A township could incorporate many of the design and performance standards of the zoning ordinance into a one-step farmstead land development process. This recommendation was first put forth in the *Octoraro Region Joint Strategic Comprehensive Plan*.

This recommendation would be a one-step land development process for the farmstead site. A farmstead refers to the area of a farm parcel occupied by the farmhouse, barns, outbuildings, accessory dwelling units, parking areas, and business structures. This process would allow the applicant to prepare one development plan for the future development of the farmstead and homestead, even if the development occurs in stages. For instance, a landowner may wish to build a business on the farmstead this year and an accessory dwelling unit in two years. This process would allow the coordinated and managed development of this property. Other incentives could be put into place to encourage the future development of residences or businesses in close proximity to existing residences and farm buildings and reduce or eliminate the need to subdivide lots. Haines Township in Centre County has adopted a farmstead development/accessory development provision in its zoning ordinance.

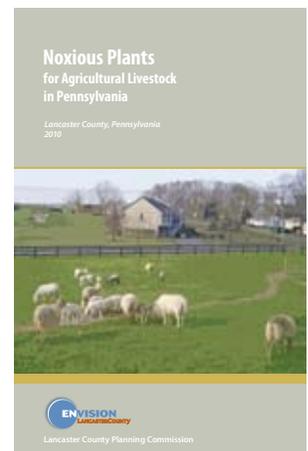
Section 001.7 Transfer of Development Rights Provisions

The Lancaster County Planning Commission, along with the Brandywine Conservancy and a group of municipal officials and preservation professionals, has prepared the *Lancaster County TDR Practitioner's Handbook* for use by Lancaster County officials. The *Handbook* is intended to be a step-by-step guide, with sample TDR ordinances, agreements, and legal notices, that municipalities can use to easily establish a TDR program. It is strongly recommended that municipalities, while reviewing their agricultural zoning requirements, consider the adoption of as TDR program that can be tied to the permitted number of subdivided lots or dwellings built.

Section 001.8 Setback Requirements

In addition to the standard setback requirements included in all zoning districts for the location of dwellings and structures, including setback requirements for confined animal feeding operations, municipalities should also regulate the setback distance and types of plant materials used for landscaping on residential properties adjacent to agricultural operations. Many plants used for landscaping can interfere with normal farming operations if they are allowed to grow into the adjoining fields. In addition, many of these plants can be poisonous to farm animals. Typical setbacks range from 20 to 50 feet from the property of the adjoining agricultural use. The LCPC has also prepared a guide entitled *Noxious Plants for Agricultural Livestock in Pennsylvania (2010)*. This guide includes lists of plants that could be listed in the zoning ordinance as prohibited for use in the agricultural zoning district.

Municipalities that allow institutional uses in their agricultural districts should consider setback and fencing requirements for those uses. Playgrounds and ball fields often associated with Houses of Worship and schools could pose a hazardous condition if these uses are located adjacent to agricultural fields where chemical spraying, harvesting, and other agricultural activities take place.



9. Conservation Resource Protection Standards

The LCPC has prepared the *Model Conservation Zoning District and Natural Resource Protection Standards (2010)* as a tool for municipalities to better identify and protect resources in their municipality. This model helps to implement the recommendations of *Greenscapes: The Green Infrastructure Element of the Lancaster County Comprehensive Plan (2009)*. The model provides two distinct, but complementary, approaches to resource protection. The first is a separate, stand-alone zoning district for those areas of the County that have large concentrations of unique natural resources. Examples include the Furnace Hills, the Welsh Mountains, and the River Hills. This District would be similar to the Agricultural District in that it would restrict land disturbances and greatly limit new residential and non-residential development.

The second part of the Model is the Natural Resource Protection Standards which can be used in any zoning district. The regulations include specific performance standards for the protection of resources such as riparian buffer, interior forest blocks, and karst topography. It is particularly important that these standards be added to Agricultural Districts in that most of the land in Lancaster County located outside of Designated Growth Areas is zoned Agricultural. Many farm parcels are comprised of not just pasture, crop, or livestock areas, but also forests and water features as well. Most Agricultural Districts in the County currently lack specific protection standards for these types of resources, other than floodplains and wetlands, which are governed by state and federal regulations, and steep slope regulations.

Resources

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The Lancaster County TDR Practitioner's Handbook, (www.co.lancaster.pa.us/planning) Lancaster County Planning Commission and The Brandywine Conservancy, 2008.

Model Conservation Zoning District and Natural Resource Protection Standards, (www.co.lancaster.pa.us/planning) Lancaster County Planning Commission, 2010.

Agritourism Guidelines for the Promotion and Regulation of Farm-Based Tourism Enterprises, (www.co.lancaster.pa.us/planning) Lancaster County Planning Commission and Lancaster County Tourism Development Council, 2009.

Keep Lancaster Farming: Phase 1 Report, (www.keeplancastercountyfarming.com) Blue Ribbon Commission Report for Agriculture in Lancaster County, Pennsylvania.

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Agricultural Zoning District Guidelines for Lancaster County, Pennsylvania
Lancaster County Planning Commission
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www.co.lancaster.pa.us/planning
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