

Agricultural Zoning

West Fallowfield Township, Chester County

ARTICLE 300 (AG) AGRICULTURAL DISTRICT

****Note:** Introductory paragraph to Article 300 has been deleted as per ord. dated 12/29/97.

301. DISTRICT AUTHORITY.

The Agricultural District is hereby established in accordance with:

- A. Pennsylvania Act No. 247, The Municipalities Planning Code, Sections 603 (b) (5), 604 (3), and 605 (2) (vii);
- B. The West Fallowfield Comprehensive Plan of 1992, including the results of the survey conducted to prepare the plan;
- C. Community Development Objective (D) in Section 103 of this Ordinance; and

302. AGRICULTURAL DISTRICT DEFINITION.

- A. District Intent

Soils within the Agricultural District are the most productive agricultural soils within West Fallowfield Township, as documented in the Soil Survey of Chester and Delaware Counties, Pennsylvania, 1959 and the West Fallowfield Comprehensive Plan. While the Township understands that these soils may be suitable for land development, they are most appropriate for the production of food goods and the dairy industry. Therefore, the Agricultural District has been established to:

- 1. Reserve areas within the Township that have prime agricultural or state significant soils;
- 2. Provide for agricultural uses and uses compatible with or supportive of agriculture within the district;
- 3. Avoid conflicts between agricultural and non-agricultural uses by limiting the type and amount of non-agricultural uses within the district;
- 4. Direct non-agricultural development away from prime agricultural soils, state significant soils, and farm operations; and
- 5. Retain tracts of land of sufficient size to encourage viable farming operations;

B. District Location Criteria

In order to comply with the intent of the Agricultural District, as defined in Subsection (A), above, (AG) Agricultural Districts shall be located in accordance with, but not limited, to, the following minimum siting criteria.

1. The district shall be located in areas where at least twenty-five (25) percent of Class 1, Class 2, and Class 3 soils are present, as defined by the United States Department of Agriculture and described in the Soil Survey of Chester and Delaware Counties, Pennsylvania, 1963, published by the Soil Conservation Service of the United States Department of Agriculture, including, but not limited to the following soils:

Chester Silt Loam: CdA, CdB, CdB2

Chester Silt Loam: Ch

Conestoga Silt Loam: CmB2, CmC2

Conagree Silt Loam: Cn

Gleneg Channery Silt Loam: GeA, GeA2, GeB, GeJ32, GeC, GeC2

Glenville Silt Loam: GnA, GnB, GnB2

Hollinger Silt Loam: HoC2

Manor Loam: MgB2, MgB3, MgC, MgC2

2. Soil type shall be that which is present at the time of adoption of this Ordinance according to the Soil Survey of Chester and Delaware Counties, Pennsylvania, and the stripping of topsoil shall not alter the classification of soil type.
3. The district shall be located in areas where agricultural operations are the predominant uses;
4. The district shall be located away from concentrations of existing residential commercial, and industrial uses in the Township; and

303. USE REGULATIONS.

A. Uses by Right

In the (AG) Agricultural District, a building shall be erected, altered or used, and a lot or premises shall be used, by right, for only one or more of the following purposes, and for no other:

1. Agricultural uses, in accordance with Section 1303.
2. Usual farm building and dwelling.

3. Bed and breakfast.
4. Single family detached dwelling unit.
5. Farm equipment sales and service.
6. Commercial greenhouse or nursery.
7. Family Daycare Home
8. Reserve

****Note:** Subsections 7 and 8 amended as per Ord dated 12/29/97.

9. Animal veterinary office.
10. Municipal building or use.
11. Post office.
12. Nature preserve.
13. Customary agricultural and residential accessory uses, in accordance with Article 1300, which include:
 - a. Farm tenant house, in accordance with Section 1303.B.
 - b. Barn
 - c. Private Swimming pool.
 - d. Private greenhouse.
 - e. Home occupations in accordance with Section 1302.E.
 - f. Sale of farm products in accordance with Section 1303.D.
 - g. Accessory farm support business in accordance with Section 1303.C

B. Uses by Special Exception

The following uses shall be permitted when approved by the Zoning Hearing Board as a Special Exception:

1. Cemetery.
2. Religious use.
3. Kennel or commercial stable.
4. Grange or co-operative farm service.
5. Garage storage of commercial vehicles, not to exceed three in number when such vehicles are used in the resident's business. Heavy equipment, garbage trucks, oil tanker trucks, and tractor trailers are omitted from this allowance and this accessory use is permitted only on building lots which are at least three acres in size.
6. School.
7. Public or non-profit recreational facility.
8. Lumber yard.
9. Agricultural research facility.

304. AREA AND BULK REGULATIONS.

Unless otherwise regulated by this Ordinance, the following area and bulk regulations shall apply to all lots in the (AG) Agricultural District:

A.	Minimum Lot Size	25 acres
B.	Minimum Lot Width Building Line Street Line	200 feet 50 feet
C.	Minimum Setbacks	The minimum front, side, and rear yard setbacks shall be 35 feet each, but no less than the height of the structure or use.
D.	Maximum Coverage Building Lot	5% 7%
E.	Maximum Building Height Habitable Structures	35 feet

Non-Habitable Structures

No limit, provided Section 304.C. is met.

305. NON AGRICULTURAL RURAL USE RESTRICTIONS.

A. Subdivision Permitted

1. The provisions of this Section shall apply to all lots of record held in single ownership as of the effective date of this Ordinance. No lot shall be subdivided subsequent to the adoption of this ordinance except in accordance with the requirements of this Article.
2. For agricultural tracts at least twenty-six (26) acres in size, one lot not less than one (1) acre but not greater than three (3) acres in size may be created in any three (3) year period for a non-agricultural use, regardless of ownership, provided the remaining parcel from which the lot is divided will not be reduced to less than twenty-five (25) acres in size. Transfer of ownership shall not create a new right to subdivide, or to subdivide sooner than three (3) years from the prior division.
3. The division of a single lot in accordance with Section 305.A.2., shall be non-accumulative so that the failure to subdivide a parcel in any prior year or years shall not constitute the right to accrue in relation to this division procedure from a larger tract.
4. For lots greater than ten (10) acres and less than twenty-seven (27) acres in size on the effective date of this Ordinance, two (2) lots may be subdivided, in accordance with Section 305.A., provided the remaining parcel from which lots are subdivided shall not be reduced to less than ten (10) acres.

B. Subdivision Preferences

To allow for the non-agricultural development permitted within this Article, yet preserve prime agricultural soils and soils of statewide importance, the Township has adopted a set of preferences for the manner in which land is subdivided for non-agricultural uses within the Agricultural District. They are listed below and ranked according to their desirability in descending order. The Applicant shall consider all of the options for subdividing his or her lot and their feasibility. It shall be the burden of the Applicant to demonstrate why preferences (1) and (2) cannot be achieved before subdivision preference (3) shall be considered.

1. Subdivision Preference (1) - Non-Productive Soils

Lots which are subdivided from the parent tract for non-agricultural uses shall be on soils which cannot feasibly be farmed due to the shape or size of the lot or

physical features such as rock, wetlands, and heavy forestation.

2. Subdivision Preference (2) - 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 use on non-productive soils.

3. Subdivision Preference (3) - Productive Soils: Class 1, 2, or 3

If the proposed lot cannot be located in accordance with Subsections (1) and (2), above, due to environmental constraints, tract configuration, or other physical reasons, lots may be located 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.

C. Administration of Subdivision Preferences

1. Subdivisions for non-agricultural uses shall be created in accordance with Section 305A B, C and D.

2. For non-agricultural lots which are created in accordance with Subdivision Preference (1) or (2), the Applicant shall demonstrate to the Township during Preliminary Plan Review that the land will be subdivided in the manner set forth for these preferences.

3. 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 other materials, documents, and information required by the Township Subdivision Ordinance, the Applicant shall submit the following information:

(1) The location of Class 1, 2, and 3 soils;

(2) The location and use of structures and uses within five-hundred (500) feet of the property line;

- (3) Agricultural constraints, including but not limited to, the shape of the parcel, wet or rocky conditions, and existing land cover; and
- (4) The approximate location of future subdivisions.

D. Area and Bulk Regulations

Unless otherwise regulated by this Ordinance, the following area and bulk regulations apply to all subdivisions permitted by the provisions of this Section:

1. Non-Agricultural Residential Uses

The following area and bulk regulations shall apply for non-agricultural residential uses:

- a. Minimum Lot Size. Minimum Lot Size is based upon the slope for the lot in question and is based upon the following scale:

- (1) Up to 8% slope - 1 acre
- (2) Over 8% to 10% slope - 2 acres
- (3) Over 10% to 12% slope - 3 acres
- (4) Over 12% to 20% slope - 4 acres
- (5) Over 20% to 34% slope - 5 acres

Amended as per ord dated 12/29/97.

****Note:** Subsection b has been deleted as per ord. dated 12/29/97.

- b. Minimum Lot Width

Building Line	150 feet
Street Line	100 feet
- c. Minimum Setbacks

Front	50 feet
Side	35 feet
Rear	50 feet
- d. Maximum Coverage

Building	10%
Lot	12%
- e. Maximum Building Height 35 feet

2. Non-Agricultural/Non-Residential Uses

- a. Minimum Lot Size. Minimum Lots Size is based upon the slope for the lot

in question and is based upon the following scale:

(1) Up to 8% slope -	1 acre
(2) Over 8% to 10% slope -	2 acres
(3) Over 10% to 12% slope -	3 acres
(4) Over 12% to 20% slope -	4 acres
(5) Over 20% to 34% slope -	5 acres

****Note:** The previous section has been amended as per ord. dated 12/29/97.

The following area and bulk regulations shall apply for non-agricultural/non-residential uses:

a.	Minimum Setbacks	
	Front	50 feet
	Side	35 feet
	Rear	50 feet
b.	Maximum Coverage	
	Building	10%
	Lot	12%
c.	Maximum Building Height	35 feet