

## **Article 4 AP - Effective Agricultural Preservation District**

### **Section 4.01 Purpose**

The purpose of the Effective Agricultural Preservation District is to protect and promote the continuation of agriculture and avoid the irreversible conversion of agricultural lands to other uses that would cause an environmental and food production loss; to strengthen and preserve agriculture as a strong component of the local economy; to promote uses which support agricultural activity and provide supplemental income to farmers; to minimize the amount and intensity of land uses in this District that may cause conflicts with agricultural activities; to retain tracts of sufficient size to be used for agricultural purposes; to limit development which places strain upon groundwater and surface water supplies and requires roadways and other facilities greater than those required by agricultural uses; to carry out the authority granted by Sections 603(b)(5), 604(3), and 605(2) of the Pennsylvania Municipalities Planning Code; and to more fully comply with the Eastern Berks County Region Comprehensive Plan.

### **Section 4.02 Uses Permitted by Right**

Each of the following principal uses and their accessory uses are permitted by right, in the Effective Agricultural Preservation District provided that all applicable requirements of this Ordinance are satisfied.

- 4.02.1. Commercial communications antennas mounted on an existing Public Utility Transmission Tower, building or other structure and communications equipment buildings.
- 4.02.2. Forestry and timbering.
- 4.02.3. General agricultural uses.
- 4.02.4. Governmental uses.
- 4.02.5. Horse stable or riding academy.
- 4.02.6. Single-family detached dwellings.
- 4.02.7. Woodland or game preserves, wildlife sanctuaries, or similar conservation uses.

### **Section 4.03 Accessory Uses Permitted by Right**

Each of the following accessory uses is permitted by right in the Effective Agricultural Preservation District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied. These accessory uses shall be located on the same lot with the permitted principal uses.

- 4.03.1. Carriage house.

- 4.03.2. Farm-related businesses.
- 4.03.3. Home occupations.
- 4.03.4. No-impact home-based businesses.
- 4.03.5. Private garages or private parking areas.
- 4.03.6. Retail accessory sale of agricultural products.
- 4.03.7. Signs.
- 4.03.8. Other customary uses and structures accessory to the uses permitted by right, provided they are located on the same lot as the principal use and are clearly incidental to the principal use.

#### Section 4.04 Uses Permitted by Special Exception

Each of the following uses is permitted when Special Exceptions are granted by the Zoning Hearing Board, in accordance with the applicable provisions of this Ordinance.

- 4.04.1. Bed and breakfast inns.
- 4.04.2. Commercial communications towers.
- 4.04.3. Intensive agricultural uses.
- 4.04.4. Kennels.
- 4.04.5. Mining.
- 4.04.6. Uses and structures accessory to the above permitted uses when on the same lot as the principal use and clearly incidental to the principal use.

#### Section 4.05 Lot Requirements

The following provisions shall apply to the AP District, unless a more restrictive provision is established by another section of this Ordinance.

- 4.05.1. Minimum Net Lot Area - 50 acres, except as follows:
  - A. A Commercial Communications Antenna may be placed on a smaller area that is leased, provided that said area reverts to be part of the lot if the antenna is no longer in use.
  - B. No minimum lot area shall apply to a vacant lot that is permanently limited by a deed restriction or conservation easement from being used for any structure(s).

- C. Adjacent lot area in another municipality may count towards this 50-acre requirement, provided that the land remains in common ownership.
- D. Lot areas that are separated by a creek, street or other feature may be added together to meet this requirement, provided the lot areas remain in common ownership.

4.05.2. Minimum Regulations

- A. Building Setback: 60 feet
- B. Side Yard: 40 feet (each)
- C. Rear Yard: 70 feet
- D. Minimum Lot Width at the street line: 100 feet
- E. Minimum Lot Width at minimum building setback line: 150 feet

4.05.3. Maximum Regulations

- A. Maximum Building Coverage: 10 percent
- B. Maximum Impervious Coverage: 15 percent
- C. Maximum Height: 2.5 stories, or 40 feet, whichever is more restrictive; however, no maximum height shall apply to agricultural structures.

Section 4.06 Residential Development in the AP District

The following additional requirements shall apply to residential development within the AP District.

- 4.06.1. Subdivision limitations. The creation of any new lot of less than 50 acres of lot area shall be limited in accordance with the following requirements.
- 4.06.2. The following maximum number of new lots shall be permitted to be created, based upon the following sizes of lawful lots of record on the effective date of this Ordinance, according to records of the County Recorder of Deeds office:

Size of Parent Tract of Land (in acres) as of the Adoption Date of the AP Zoning District	Number of New Lot(s) of Less than 50 Acres each that is allowed to be created from the Parent Tract
2 or more, but less than 10	1
10 or more, but less than 25	2
25 or more, but less than 45	3

Size of Parent Tract of Land (in acres) as of the Adoption Date of the AP Zoning District	Number of New Lot(s) of Less than 50 Acres each that is allowed to be created from the Parent Tract
45 or more, but less than 70	4
70 or more, but less than 100	5
100 or more, but less than 150	6
150 or more	7, plus one lot for every 50 acres over 200 acres

- 4.06.3. After the effective date of this Article, no dwelling shall be developed, placed or built that would result in more than one dwelling unit on a lot.
- 4.06.4. The total number of lots allowed to be created from a parent tract by subsection 4.06.2 above shall not be increased by any subdivision. Any subsequent owner of a parent tract, or land remaining from a parent tract after subdivision, shall be bound by the actions of his predecessor.
- 4.06.5. If a parent tract did not include any dwelling units at the time of adoption of this Article, one dwelling unit may be developed on that lot in addition to the number of lots permitted above.
- 4.06.6. Any subdivision or land development plan hereafter filed with the Township for subdivision or land development of a parent tract in the AP District shall specify which lot or lots shall carry with it a right of further subdivision or erection of single-family dwellings or other principal nonagricultural buildings, if any such right remains from the quota allocated to the parent tract in accordance with this Section. This right shall also be included in the deed to the newly created lot. Such restriction may be permitted to be modified in the future if the provisions of this zoning district should change.
- 4.06.7. Exceptions for Certain Uses. The maximum number of new lots shall not apply to the following:
- A. A subdivision solely to create a lot which will be transferred to the Township, a municipal authority, a fire company, or another governmental agency for a public project shall not count towards the maximum number of new lots.
  - B. A lease established solely for a communications antenna or public utility improvement, provided the leased area reverts to become part of the lot, if the antenna or public utility is removed.
  - C. A subdivision of a vacant lot that is permanently limited by a deed restriction or conservation easement from being used for any building(s).

- D. A transfer of land from one agricultural lot to another agricultural lot, provided that the transferred land is merged into an existing lot and no new lot is created.

4.06.8. If the owner of a parent tract in the AP District also owns a second parent tract in the AP District within Rockland Township, the maximum number of lots that are allowed on one parent tract may be shifted to the second parent tract. Any subdivision plan proposing such development shall clearly show both parent tracts and shall contain appropriate notes describing the total lots allotted to each tract; any allocation of lots previously used on each tract; and the resulting remaining allocation of lots on each tract. The landowner shall also record a document, in a form acceptable to the Township Solicitor and indexed against the sending parent tract, describing the transfer of the right of development and stating whether or not any further rights of development remain for the sending parent tract.

Section 4.07 Additional Lot Requirements

The following shall apply to lots regulated by Subsection 4.06.2 above:

4.07.1. Minimum Regulations

- A. Net Lot Area: 1 acre
- B. Building Setback: 40 feet
- C. Side Yard: 20 feet (each)
- D. Rear Yard: 50 feet
- E. Minimum Lot Width at the Street Line: 100 feet
- F. Minimum Lot Width at the Minimum Building Setback line: 150 feet

4.07.2. Maximum Regulations

- A. Lot area: Two (2) acres, except the Zoning Officer shall approve a larger lot area where the applicant proves such larger lot area is necessary to meet septic system regulations or where the applicant proves such lot area that exceeds two (2) acres will not include soils that are agricultural capability class I, II or III according to the County Soil Survey or more detailed study, up to a maximum net lot area of ten (10) acres.
- B. Building Coverage: 10 percent

- C. Impervious Coverage: 15 percent
- D. Height: 2.5 stories, or 40 feet, whichever is more restrictive

Section 4.08 Location of Lots

At the time of subdivision plan review process, the applicant shall verify that the residential lot(s) have been located on the tract in a manner that minimizes the long-term impact of homes upon agricultural operations in the vicinity. The applicant shall also indicate approximately where future permitted residential lots would be located. This provision is intended to result in the following:

- 4.08.1. Dwellings located the greatest distance feasible from existing livestock or poultry operations.
- 4.08.2. Dwellings located where there are fewest productive agricultural soils.
- 4.08.3. Dwellings located where there are suitable sites for on-lot septic systems.
- 4.08.4. New dwellings located adjacent to existing dwellings.
- 4.08.5. All dwellings that will eventually be located on a tract being clustered together.

Section 4.09 Notice

For any lot submitted for subdivision approval after the adoption of this AP District, a notation shall be stated on the resulting deed of each lot which shall include the following text or similar alternative text pre-approved by the Zoning Officer.

*"As of this date, this lot is located in an Effective Agricultural Preservation Zoning District. Prospective purchasers are placed on notice that this Zoning District is primarily intended to provide for agricultural activities, and not residential development. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and annoyance arising from normal and accepted agricultural practices and operations. These annoyances may include but are not limited to: noise, odors, dust, operation of machinery, early morning/late night operations, truck traffic from agricultural operations, the storage and disposal of manure, aerial spraying, and the application of fertilizers, pesticides, herbicides and soil amendments. Owners, occupants and users of this property should be prepared to accept such impacts, and are hereby placed on notice that the Pennsylvania Right to Farm Law, as amended, may limit the ability to obtain a legal judgment against such operations."*

## Section 4.10 Supplemental Regulations

The uses in this District are also subject to the applicable regulations contained in this Ordinance.