

Part 3

Agricultural Preservation District (AP)

§27.301. Purpose and Specific Intent

1. The land use and economy of the Agricultural Preservation District is oriented toward agricultural activity. Thus it is the desire and intent to preserve farming as an important economic feature and to maintain viable farmland as an irreplaceable asset. Recognizing the conflicts that can occur when other uses are superimposed upon adjacent farming operations and being desirous of removing development pressures on farming operations, it is the intent of the Board of Supervisors to minimize intrusion into viable farmlands within the Agricultural Preservation District (AP). It is further the intent to permit within this district certain compatible farm service uses and to permit accessory activities to farm operations.

§27-302. Permitted Uses Within AP Lands

Only those uses enumerated under paragraphs A, B, C, and D are permitted and no others.

A. Uses by Right

- (1) Extensive agriculture, subject to the provisions found in other parts of this Chapter.
- (2) Single family detached dwelling.
- (3) Sewage disposal facilities, such as lagoons, tile and spray irrigation fields.

B. Conditional Uses

(1) Intensive agriculture uses on lands not within the Ground Water Protection District (see GWP map) are permitted by conditional use within the AP District, subject to other applicable provisions herein. Intensive agriculture uses are not permitted under any circumstances within the Ground Water Protection District.

(2) Special events, subject to other applicable Provisions herein.

(3) Riding academies, equestrian stables and shows and training facilities for animals, subject to other applicable provisions herein.

(4) Commercial composting processing operations and agricultural composting processing operations in accordance with the provisions found elsewhere in this chapter.

C. *Special Exceptions*

(1) Home Occupations.

(2) Group homes (Community Living Arrangements) excluding disciplinary homes, subject to the provisions found herein.

D. *Accessory Uses*

(1) Food processing provided that it is clearly an accessory use subordinate to existing primary agricultural uses permitted by right and subject to the provisions found herein.

(2) Nonresidential accessory uses to permitted uses other than those described in paragraph B (3), hereof.

(3) Single-family detached dwelling as accessory to uses for bed and breakfasts as defined within this Chapter, commercial stables (§27-303.14) and provided that no subdivision from the principal use shall be permitted if it reduces the lot area below the minimum lot area mandated for the said principal or accessory use, subject to the provisions in this Chapter.

(4) Single-family detached dwelling accessory uses when accessory to a residence as permitted herein.

(5) Accessory dwelling units (ADU's), subject to the other applicable provisions herein.

(6) Agricultural employee housing.

(7) Farm stands.

§27-303. **Area and Bulk Regulations**

1. For extensive agricultural uses permitted as of right, the following design standards shall apply. Also see applicable provisions for special exceptions and for conditional uses as appropriate.

A. Lot area (minimum) – 20 acres of net lot area.

B. Lot width at the building setback line (minimum) – 400 feet.

C. Lot width at the street line (minimum) – 200 feet.

D. Building setback lines for dwellings (minimum) as follows:

(1) Front yard – 100 feet

(2) Side yard – 50 feet

(3) Rear yard – 50 feet.

E. The setback for farm buildings or any structure used to house farm animals or to store manure, fertilizer, compost, other odorous materials, or combustible materials (minimum) – 100 feet.

F. Setback for all other farm buildings or structures (minimum) – 100 feet.

G. Building height (maximum) –three stories or 35 feet maximum, except for barns, silos, water towers, chimneys, windmills, antennas (maximum – 95 feet in height).

2. For intensive agricultural uses and for the preparation of mushroom growing substrate, the following design standards shall apply:

A. Intensive agriculture and the preparation of mushroom growing substrate are restricted to separate tracts of land solely dedicated to the operations and activities of these respective uses. Located on the tract should be all buildings and facilities used in the intensive agriculture and/or preparation of mushrooms growing substrate operation including, but not limited to, buildings, accessory facilities, structures, storage areas, parking, driveways, accessways, wells, sedimentation basins, sewage beds, lagoons, and stormwater management facilities.

B. *Expansion.* Any expansion of the use must not encroach on the 100-foot perimeter buffer, except as provided for elsewhere in this Ordinance.

C. *Adjacent Uses.* Where intensive agricultural activity or mushroom growing substrate activity is employed on the same premises as other activities including extensive agricultural and residential uses, the area dedicated to intensive agriculture or mushroom growing substrate shall be deemed a separate tract of land defined by the outer boundaries of the 100-foot property perimeter buffer surrounding the respective uses.

D. Area and bulk regulations include:

- (1) Lot size (minimum) – 20 acres.
- (2) Perimeter buffer width – 100 feet.
- (3) Building coverage (maximum) – 30 percent.
- (4) Impervious coverage (maximum) – 50 percent.

3. For special events, permitted as a conditional use, the following standards shall apply:

A. The applicant shall demonstrate the availability of approved drinking water supply, sanitary sewage facilities, parking and loading (where loading is to be provided as part of such event) sufficient to accommodate 125 percent of the estimated number of attendees and participants at such event.

B. The applicant shall present a plan demonstrating the provision of sufficient trained personnel and the points of location of stations therefore to assist in the directing and control of increased traffic arising from such activity.

C. The applicant shall provide adequate facilities to accommodate the said unit in a safe and convenient manner, including, by way of illustration and not limitation, the securing of animals and equipment on the premises and protecting persons attending the special event from risk of injury by reason of contact with such animals or equipment.

D. The applicant shall present as an integral part of the application a plan for the collection, cleaning and removal of trash and removal of all signs from public rights-of-way, property of others and the subject tract, and shall post financial security in a form and amount satisfactory to the Board.

E. Any application for a conditional use for the conduct of a special event shall be limited to the single scheduling thereof and applications for a special exception to conduct one special event shall not be deemed an approval for the conduct of subsequent repetitions thereof nor for the conduct of other special events.

4. For riding academies, equestrian stables and shows and training facilities for animals, permitted as a conditional use, the following standards shall apply:

- A. Lot size (minimum) – 20 acres of net lot area.
- B. Perimeter setback (minimum) – 100 feet.
- C. Building coverage (maximum) – 20 percent.
- D. Impervious coverage (maximum) – 40 percent.
- E. Perimeter fencing (minimum) – 4 foot high safety fence.

The burden shall be upon the applicant to demonstrate that his proposed use does not require fencing.

5. For group homes, permitted by special exception, the following standards shall apply:

A. Group homes shall include housing for not more than four non-related persons living upon the premises. Group homes for more than four non-related persons will be deemed an institutional use and will be permitted as a conditional use under applicable provisions of this Code.

B. The group home shall be designed architecturally to appear as a single family residential dwelling.

C. Lot size (minimum) – 10 acres of net lot area, or 1-1/2 acre of net lot area, if subdivided before March 30, 1995.

D. Parking – one all weather surface parking space per two bedrooms and one space per employee. If occupancy includes handicapped requirements, parking must be designed as per the applicable standards. No parking will occur on public roads or will obstruct driveways so that emergency vehicles will have free and uninterrupted access to the home.

6. For food processing facilities, as an accessory use, the following standards shall apply:

A. Portion of the lot used for food processing (maximum) – 20 percent.

B. Setback from all lot lines for all food processing facilities (minimum) – 100 feet.

C. Setback from all lot lines for outdoor storage and manure and waste piles (minimum) – 100 feet.

D. Building coverage (maximum) – 20 percent.

E. Impervious coverage (maximum) – 40 percent.

F. Building height (maximum) – 35 feet.

7. For accessory use single-family dwellings the following standards shall apply:

A. Single family detached dwellings shall be permitted for housing of persons employed in the operation of uses permitted in intensive and extensive agriculture, commercial kennels, stables, and riding academies conducted on the same tract of ground; provided, however:

(1) There shall be no more than one single family detached dwelling for the first 20 acres of land, and one additional dwelling for the second 20 acres, and one additional dwelling for the third 20 acres, and one additional dwelling for each additional 30 acres.

(2) Each single-family detached dwelling shall have a designated curtilage of not less than 1-1/2 acres no more than 2 acres.

(3) Each single-family detached dwelling shall be so located on the tract in relation to roads, access drives, setbacks and other buildings and structures so that the same may be subdivided in accordance with other applicable sections of this Code upon a conforming lot and in conformity to all area, coverage and setback regulations.

(4) The number of single-family detached dwelling units permitted under other applicable sections of this Code shall be reduced by any dwellings constructed upon the tract and/or subdivided therefrom pursuant to this Section.

B. *Agricultural Employee Housing.* Agricultural employee housing shall be permitted when accessory to uses permitted in intensive and extensive agriculture.

(1) Agricultural employee housing shall not be required to be on a severable cartilage from the principal use and shall not be construed to diminish the number of single-family detached dwellings permitted herein.

(2) Agricultural employee housing and mobile homes shall be permitted for the housing of farm workers, subject to the following restrictions:

(a) They shall comply as to construction, maintenance and operation with all requirements of the Pennsylvania Department of Agriculture, the Pennsylvania Department of Labor and Industry, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Health, the Pennsylvania Department of Community & Economic Development, the Chester County Department of Health and all applicable regulations of London Grove Township.

(b) They shall comply with the general setback regulations for farm buildings and structures as set forth in subsection 1 hereof.

(c) Each unit shall contain kitchen facilities, dining areas, bathrooms and other facilities sufficient to meet the needs of the occupants.

(d) There shall be one parking space for each four occupants.

(e) Only one mobile home per 20 acres of farmed land is permitted.

8. An accessory dwelling unit (ADU) is permitted by special exception as an independent living facility accessory to a single-family unit.

A. An independent living arrangement or ADU is permitted for either of two different conditions:

(1) To provide an independent living arrangement for a qualified family member on a single-family lot.

(2) To provide an independent living arrangement as an accessory to a single-family dwelling on a lot that is (minimum) twice the base density of the district. (Base density is 20 acres per dwelling unit in the AP District.)

B. "Qualified family member" shall be:

(1) A parent, grandparent, child, sibling of one or more of the occupants of the dwelling unit to which the ADU is accessory.

(2) Some other person who has for a period of two or more years, been a member of such principal dwelling unit occupants family as defined in the definition of “family.”

C. Additional requirements for ADU’s:

(1) The ADU shall be located on the same lot and clearly accessory and subordinate to the principal dwelling unit.

(2) No ADU shall be permitted when accessory to a multifamily dwelling or attached dwelling.

(3) The ADU shall not be located within the front yard of the lot nor within any mandated side or rear yard setback.

(4) The applicant shall demonstrate a plan of stormwater management whereby the post-construction flow will not exceed the velocity of pre-construction flow at the lot lines if the ADU is a separate building.

(5) The ADU shall be served by approved water and sewage facilities.

(6) The applicant shall execute, acknowledge and deliver to the Zoning Officer, contemporaneously with the application for special exception, a declaration stating:

(a) That the application is made for the purposes herein set forth;

(b) That the costs incurred are for the purpose of enabling the family to give the requisite care and aid to the occupant;

(c) That the ADU will be removed within 60 days after the termination of occupancy by the qualified family member;

(d) That applicant acknowledges that any expense or hardship incurred in the construction and removal of the ADU is a self-incurred hardship and, therefore, no variance may be obtained to permit the occupancy by other than a qualified family member.

§27-304. General Limitation on Subdivision of (AP) Land

1. Any provision relating to permitted, conditional or special exception use, or any design or dimensional provisions notwithstanding, no subdivision of any nature or description of (AP) lands shall be permitted if any lot, other than a lot created as a “special purpose lot,” as herein defined, will have a lot area of less than 20 acres.

2. A special purpose lot shall be one created for a specific use permitted pursuant to this Chapter (whether by right, special exception or conditional use), other than a limited residential use lot for (AP) lands but having a minimum lot size under 20 acres provided elsewhere herein for such use.

3. The development rights of such “special purpose lot” shall be deemed utilized to the extent of the greater of:

(A) The required minimum lot size for that use, or

(B) The area actually dedicated to said use.