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# Article 2

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## Zone Regulations

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### Section 200      Agricultural Zone (A)

200.1      Purpose of Zone. The purpose of this Zone is to promote the continuation and preservation of agricultural activities in areas most suitable for such activities and preserve the rural heritage of the Township. Areas within this Zone include:

- 2001.1.      Prime agricultural soils (Class I, II and III soils) which are highly productive soil types most capable of supporting agricultural activities, so that agriculture as an ongoing economic activity in the Township is preserved.
- 200.1.2      Historic features, agricultural activities, scenic rural landscapes, and small cross-road villages that shapes the rural heritage of the Township.

Providence Township acknowledges animal husbandry as an agricultural operation as defined by the Act. Agricultural operations are enhanced by permitting only those land uses and activities which are either agricultural in nature or are in direct support of agricultural activities.

The regulations for this Zone are specifically designed to, and shall be construed and interpreted to: protect and enhance agricultural operations in the Zone; facilitate adaptation to other agricultural technologies; minimize conflicting land uses detrimental to agricultural operations; limit development which requires infrastructure in excess of those required by agricultural operations; maintain agricultural tracts in sizes which will preserve existing agricultural operations and facilitate adaptations to other agricultural technologies; encourage and protect a locally available renewable energy source; encourage and protect a locally available renewable food source; and preserve, protect and enhance natural man-made and historic features and amenities of the Township that have contributed to the historic character of the community.

In addition to the creation and perpetuation of this Zone, the Township supports creation of Agricultural Security Areas and Agricultural Conservation Easements and promotes expansion of current areas. The regulations are not intended to restrict agricultural operations, or changes to, or expansions of, agricultural operations in geographical areas where agriculture has traditionally been present.

The regulations of the Agricultural Zone are not intended to violate or exceed the provisions of the Act of May 20, 1993 (P.L. 12, No. 6), known as the "Nutrient Management Act," the Act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law," or the Act of June 10, 1982 (P.L. 454, No. 133), entitled "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances" as mandated by the Act, as amended.

200.2      Uses Permitted By Right.

200.2.1      **Beekeeping**, subject to the requirements of Section 412.

200.2.2      **Bed and breakfasts**, subject to the requirements of Sections 200.5 and 411.

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- 200.2.3 **Communication antennas, towers and equipment co-located upon existing structures** (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Section 420.1.
- 200.2.4 **Concentrated animal feeding operations (CAFOs)**, subject to the requirements of Section 421 and further provided that the applicant provides a copy of an approved permit from the Pennsylvania Department of Environmental Protection, Bureau of Water Quality, and the proposed use maintains compliance with the Federal regulations governing CAFOs.
- 200.2.5 **Concentrated animal operations (CAOs)**, subject to the requirements of Section 421 and further provided that the applicant provides written evidence of an approval of the applicant's nutrient management plan from the County Conservation District or the Pennsylvania Conservation Commission, and the applicant maintains compliance with the Pennsylvania Nutrient Management Act No. 38.
- 200.2.6 **Farms.**
- 200.2.7 **Fish hatcheries and/or fish farms**, subject to the applicant furnishing evidence of an approved artificial propagation license from the Pennsylvania Department of Agriculture, Bureau of Animal Health.
- 200.2.8 **Forestry uses**, subject to the requirements of Section 432.
- 200.2.9 **Public uses**, provided such use shall not include solid waste disposal and/or handling facilities, prisons or hospitals.
- 200.2.10 **Public utilities structures.**
- 200.2.11 **Schools**, subject to the exclusive academic use, a building floor area not greater than two thousand (2,000) square.
- 200.2.12 **Single-family detached dwellings**, including those contained upon flag lots, provided such flag lots comply with the requirements of Section 200.5 and 431.
- 200.2.13 **Accessory Building on an Undeveloped Parcel of Land**, containing no more than 300 square feet of floor area, subject to the requirements of Section 471. *(Amended by Ordinance No. 22-01, 08/01/22)*
- 200.3 Accessory uses customarily incidental to the above permitted uses, including, but not limited to, the following:
- 200.3.1 **Alternative energy production facilities** (Geothermal Systems, Outdoor Hydronic Heater Systems Accessory Solar Energy Systems, Accessory Wind Energy Systems), subject to the requirements of Section 404.
- 200.3.2 **Day-care - Family day-care facilities**, subject to the requirements of Section 424.
- 200.3.3 **Domestic composts**, subject to the requirements of Section 425.
- 200.3.4 **ECHO housing**, subject to the requirements of Section 427.
- 200.3.5 **Garage, yard and/or moving sales**, subject to the requirements of Section 433.
- 200.3.6 **Gardening and raising of plants for personal use.**

- 200.3.7 **Keeping of carriage and buggy horses**, for the sole purpose of providing means of transportation via a carriage, subject to the requirements of Section 442 when located on a parcel of less than ten (10) acres.
- 200.3.8 **Man-made lakes, dams, ponds, and impoundments**, subject to the requirements of Section 444.
- 200.3.9 **Manure digester systems**, subject to the requirements of Section 445.
- 200.3.10 **Manure storage facilities**, subject to the requirements of Section 446.
- 200.3.11 **No-impact home-based businesses**.
- 200.3.12 **Noncommercial keeping of livestock**, subject to the requirements of Section 451.
- 200.3.13 **Play structures**, provided such structures are confined to the side or rear yard and are located no closer than fifteen feet (15') from the closest side and/or rear lot line.
- 200.3.14 **Residential swimming pools**, subject to the requirements of Section 456.
- 200.3.15 **Roadside stands** for the seasonal sale of agricultural products, subject to the requirements of Section 458.
- 200.3.16 **Routine repair and servicing of personal motor vehicles**, subject to the requirements of Section 459.
- 200.3.17 **Satellite dish antennas**, subject to the requirements of Section 461.
- 200.3.18 **Sheds**, provided that no more than two (2) such sheds shall be permitted for each principal residence.
- 200.3.19 **Signs**, subject to the requirements of Section 322.
- 200.3.20 **Customary accessory structures** incidental to the listed permitted uses, subject to the following setback requirements:

All accessory buildings shall be located in the rear or side yards, or in the front yard, provided that the accessory building is located behind the minimum building setback line. Accessory buildings on lots adjacent to actively-farmed properties in any zoning district shall be set back at least 10 feet from the side and rear property lines, with all other accessory buildings being set back from rear and side property lines, based on the square footage area of the building, as follows:

Area	Side Yard Setback	Rear Yard Setback
Less than 160 square feet	5 feet	5 feet
160-300 square feet	10 feet	10 feet

Buildings greater than 300 square feet in area shall have the same side and rear yard setbacks as principal buildings. *(Amended by Ordinance No. 17-02, 09/11/17)*

- 200.3.21 **Farm House Expansion**, subject to the criteria set forth in the definition of Farm House Expansion in Section 112. *(Amended by Ordinance No. 17-02, 09/11/2017)*

200.4 Uses Permitted By Special Exception. (Subject to the review procedures of Section 604.3.)

- 200.4.1 **Adaptive reuse of agricultural buildings**, subject to the requirements of Section 401.
- 200.4.2 **Airports and heliports**, subject to the requirements of Section 403.
- 200.4.3 **Animal hospitals and veterinary offices**, subject to the requirements of Section 407.
- 200.4.4 **Cemeteries**, including, but not limited to, pet cemeteries, subject to the requirements of Section 416.
- 200.4.5 **Clubhouses for Private Clubs**, subject to the requirements of Section 417.
- 200.4.6 **Commercial produce operations**, subject to the requirements of Section 419.
- 200.4.7 **Emergency services**, subject to the requirements of Section 428.
- 200.4.8 **Reserved for Future Use** (*Amended by Ordinance No. 19-03, 06/03/19*)
- 200.4.9 **Farm-Support Business Operation**, subject to the requirements of Section 430.
- 200.4.10 **Freestanding communication antennas, towers and equipment**, subject to the requirements of Section 420.2:
- 200.4.11 **Golf courses and driving ranges**, subject to the requirements of Section 434.
- 200.4.12 **Historic structure conversions**, subject to the requirements of Section 438.
- 200.4.13 **Home occupations**, subject to the requirements of Section 440.
- 200.4.14 **Kennels**, subject to the requirements of Section 443.
- 200.4.15 **Outdoor Shooting Ranges**, subject to Section 464.2.
- 200.4.16 **Rural occupations**, subject to the requirements of Section 460.
- 200.4.17 **Septage and compost processing**, subject to the requirements of Section 463.
- 200.4.18 **Accessory Building on an Undeveloped Parcel of Land**, containing between 301 and 999 square feet of floor area, subject to the requirements of Section 471. (*Amended by Ordinance No. 22-01, 08/01/22*)
- 200.4.19 **Short-Term Rental**, located in a principal or accessory structure lawfully existing on December 11, 2023, subject to the requirements of Section 472. (*Amended by Ordinance No. 23-01, 12/11/23*)

200.5 Limitations On Subdivision and/or Land Development.

- 200.5.1 In order to preserve agricultural properties, it is the express intent of the Agricultural Zone regulations that large, contiguous areas of farmland be protected. Therefore, the subdivision of lots, or the development of nonagricultural uses and structures, shall be limited regardless of whether such development is accomplished by subdivision or land development as those terms are defined in the Act. In addition, it is the express intent of these provisions that the maximum size of lots created for any use other than agriculture be limited in order to provide for the retention of tracts of sufficient size to be used for agricultural purposes.

It is the intent of the Board of Supervisors to implement the mandate of Section 604(3) of the Act to preserve prime agricultural land through the enactment of these regulations.

- 200.5.2 The following table shall be used to determine the permissible number of lots which may be subdivided, or the number of new principal uses that may be established, respectively, within this Zone. The "Lot Area" calculation within the following table shall be based upon all contiguous land within the Agricultural Zone held in single and separate ownership, which was held by the landowner or his/her predecessor(s) in title on the original date of enactment of these specific regulations. If such land was not classified within the Agricultural District in the prior Providence Township Zoning Ordinance (September 12, 1983), the "Lot Area" calculation shall be based upon the contiguous land held in single and separate ownership on the date such land was first rezoned to the Agricultural District.

Lot Area (Acres)		Total Number of New Permitted Lots and/or Principal Uses
At Least	Less Than	
52	100	1
100	150	2
150	200	3
200 or more		4

For the purpose of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:

- 200.5.2.1 Such land is divided into one or more lots, parcels, purparts, or tracts.
- 200.5.2.2 Such land was acquired by the landowner at different times or by different deeds or other means.
- 200.5.2.3 Such land is separated by public or private streets or rights-of-way.
- 200.5.3 No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as set forth in footnote 2 of the table in Section 200.7. Any lot existing on September 12, 1983, which is two (2) or fewer acres in size, shall be presumed to be used for residential purposes, and the size of such lot shall not be increased to more than two (2) acres.
- 200.5.4 A subdivision that merely transfers land from one farm to another farm shall not be counted against the permitted number of lots to be subdivided from a tract, as set forth in Section 200.5.3. In addition, a lot add-on to any property shall not be counted against the permitted number of lots to be subdivided from a tract, as set forth in Section 200.5.2. *(Amended by Ordinance No. 19-03, 06/03/19)*
- 200.5.5 A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in Section 200.5.2.
- 200.5.6 Any subdivision or land development plan hereafter filed shall specify which lot or lots shall carry a right of further subdivision or development, as provided for in Section 200.5.2. Each deed shall clearly denote the property's future subdivision/land development rights under this section. Such information shall also be included in the deed for any new lots. If this information is not included on a subdivision or land development plan, it shall be presumed that the largest lot remaining after the subdivision shall carry the right of further subdivision or land development under Section 200.5.2.

- 200.5.7 The number of lots which may be created, or single-family dwellings or other principal nonagricultural uses which may be established, shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision, or land which was formerly part of a parent tract, shall be bound by the actions of his predecessor.
- 200.6 Site Planning Objectives. To enhance compatibility between proposed residential development and continued surrounding farming, each application for subdivision/land development review shall require a scaled drawing showing all of the potential residential lots permitted on the farm. The applicant shall furnish evidence that the following specific design objectives have been satisfied through the design of the proposed use; the Township will only approve proposed subdivision/land development plans that successfully reflect these design objectives.
- 200.6.1 Minimize the loss of valuable farmland.
- 200.6.2 Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms.
- 200.6.3 Minimize the length of property lines shared by residential lots and adjoining farms.
- 200.6.4 Assure adequate vehicular access to future residences not currently proposed.
- 200.6.5 Assure that the proposed subdivision/land development can comply with the Subdivision and Land Development Ordinance.

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200.7 **Area and Design Requirements.** All uses within the Agricultural Zone shall comply with those standards listed in the following table, unless authorized as a flag lot according to Section 431:

AREA AND DESIGN REQUIREMENTS									
Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture & Horticulture Uses <sup>1,3,5</sup>	10 acres*	N/A	200 ft.	N/A	50 ft. <sup>1</sup>	50 ft.	50 ft.	10%	150 ft., provided structure is set back a distance at least equal to its height from each property line.
Single-Family Detached Dwellings & Other Principal Uses <sup>2,3,4</sup>	1 acre	2 acres	150 ft.	120 ft.	50 ft.	25 ft.	50 ft.	20%	35 ft.
Accessory Structures Less than 160 square feet*	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	5 ft.*	5 ft.*	Included in above	20 ft.
Accessory Structures 160-300 square feet*	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	10 ft.*	10 ft.*	Included in above	20 ft.
Accessory Structures Buildings greater than 300 square feet*	Included in above	Included in above	N/A	N/A	Not permitted in front yard, unless a minimum 50 ft. setback is provided.**	Same as a principal building*	Same as a principal building*	Included in above	25 ft.**
Forestry <sup>3</sup>	5 acres	N/A	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	20%	35 ft.
Uses of Township Agencies & Authorities <sup>3,5</sup>	None	None	None	None	None	None	None	100%	Unlimited

\*(Amended by Ordinance No. 19-03, 06/03/19) \*\*(Amended by Ordinance No. 20-03, 09/14/2020)

<sup>1</sup> Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred feet (300') of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred feet (100'). The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

<sup>2</sup> The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes, or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

<sup>3</sup> All uses relying upon on-lot sewers shall comply with Section 314.

<sup>4</sup> Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 431.

<sup>5</sup>The minimum lot size for agricultural and horticultural uses may be reduced by special exception, provided that the Zoning Hearing Board determines that the proposed use is in accordance with the Pennsylvania "Right to Farm" law.

200.8 Agricultural Nuisance Disclaimer. All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, pesticides and night/weekend operations. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, the "Right to Farm" law, and the Agriculture Communities and Rural Environment (ACRE), PA Act 38 of 2005, may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date, all subsequent subdivision plans submitted within the (ARH) Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

Applicants for subdivision or land development for nonfarm purposes shall include the foregoing paragraph "Agricultural Nuisance Disclaimer" as a plan note on all subdivision or land development plans. Similarly, the issuance of building permits for nonfarm purposes shall be conditioned on the applicant's signing a statement that he/she has read Section 200.8 of this Ordinance, including the foregoing disclaimer.

200.9 Vegetation Setback Requirement. On any separate nonfarm parcel, no tree shall be planted within twenty feet (20') of an adjacent property that is used for agricultural purposes.

200.10 Conservation Plan. Any agricultural, horticultural or forestry-related uses which involve earth-moving activities, or the commercial harvesting or timbering of vegetation, shall require the acquisition of an approved conservation plan by the County Conservation District pursuant to Chapter 102, Erosion Control of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

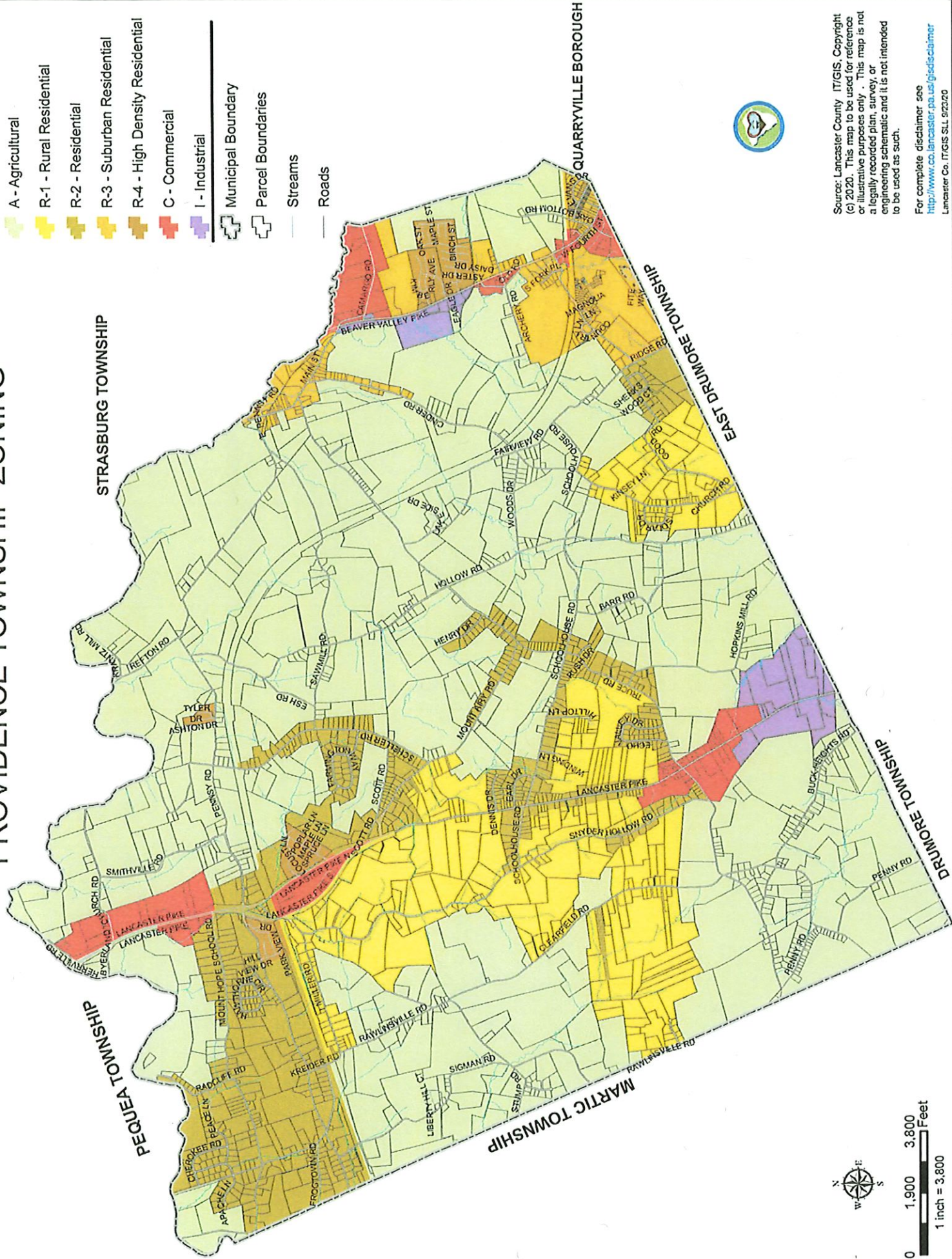
200.11 General Provisions. All uses permitted within this Zone shall also comply with the applicable General Provisions in Article 3.

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# PROVIDENCE TOWNSHIP ZONING

## ZONING DISTRICTS

- A - Agricultural
- R-1 - Rural Residential
- R-2 - Residential
- R-3 - Suburban Residential
- R-4 - High Density Residential
- C - Commercial
- I - Industrial
- Municipal Boundary
- Parcel Boundaries
- Streams
- Roads



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