

PROPOSED AMENDMENTS – CLEAN VERSION
FOR WARRINGTON TOWNSHIP INTENT TO ADOPT
ZONING ORDINANCE TEXT AMENDMENTS
WARRINGTON TOWNSHIP, YORK COUNTY, PA

ARTICLE II DEFINITIONS

SECTION 203 Specific Words and Phrases

PARENT TRACT - For the purposes of Section 311, Agricultural Preservation Overlay Zone, each tract of land held in single and separate ownership as of March 16, 2022, parent tract shall represent the total gross area of the tract.

AGRICULTURAL USE- Land which is used for the purpose of producing an agricultural commodity or is devoted to and meets the requirements for payments or other compensation under a soil conservation program under an agreement with an agency of the federal government. The term includes: any farmstead land on the tract; a woodlot; any land which is rented to another person and used for the purpose of producing an agricultural commodity; and any land devoted to the development and operation of an alternative energy system, if a majority of the energy annually generated is utilized on the tract.

Agricultural use includes but is not limited to the following activities: cultivating the soil, producing crops, raising or keeping livestock, poultry, fish or planting cover crops. It also can include leaving the land idle while participating in a government program or for normal crop or livestock rotation.

Agricultural commodity is defined as: Any of the following:

- (1) Agricultural, apicultural, aquacultural, horticultural, floricultural, silvicultural, viticultural and dairy products.
- (2) Pasture.
- (3) Livestock and the products thereof.
- (4) Ranch-raised furbearing animals and the products thereof.
- (5) Poultry and the products of poultry.
- (6) Products commonly raised or produced on farms which are:
 - (i) intended for human or animal consumption; or
 - (ii) transported or intended to be transported in commerce.
- (7) Processed or manufactured products of products commonly raised or produced on farms which are:
 - (i) intended for human or animal consumption; or
 - (ii) transported or intended to be transported in commerce.
- (8) Compost.

ARTICLE III ZONE REGULATIONS

SECTION 307

(f) Minimum Setback Requirements (Principal and Accessory Uses)

1. Front yard setback - All buildings, structures (except permitted signs), and outdoor loading areas shall be set back at least thirty-five feet (35') from the street right-of-way; off-street parking lots and outdoor storage areas shall be set back a minimum of twenty feet (20') from the street right-of-way. Residential accessory uses shall be set back at least thirty-five feet (35') from the street right-of-way.
2. Side yard setback - All buildings and structures, except for residential accessory structures less than 151 square feet, shall be set back at least twenty-five feet (25') from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be set back at least fifteen feet (15') from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities. Residential accessory structures, less than 151 square feet shall be set back at least five feet (5') on each side subject to Maximum Lot Coverage Requirements of Section 307 e).
3. Rear yard setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas, except for residential accessory structures less than 151 square feet, shall be set back at least twenty feet (20') from the rear lot line. Residential accessory structures less than 151 square feet shall be set back at least five feet (5') from the rear lot line subject to Maximum Lot Coverage Requirements of Section 307 e).
4. Residential buffer strip - Any lot adjoining land within a RA, R and/or VR Zone shall maintain a fifty-foot (50') setback for nonresidential buildings, non-residential structures, off-street parking lots, loading areas, and outdoor storage areas from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen.

SECTION 311

(e) Parent Tract Subdivision Parcels: Parcels shall not be separated from an original parent tract as of the effective date of this Section until after satisfactorily demonstrating adherence to the following requirements, as applicable. However, for any land area which was not classified as part of the original C or RA zone, but is subsequently added thereto, all references to March 16, 2022 in this section shall be changed to the date when such map amendment became effective.

1. The maximum total gross area of the parent tract permitted to be subdivided and/or developed for nonagricultural/non-forestry uses shall be 20% in the C zone and 25% in the RA zone.
2. The formula for the calculation is: $\frac{\text{total gross acreage of the parent tract as of March 16, 2022, minus the area of conservation easements identified under subsection 10 below, multiplied by 20\% (C zone) or 25\% (RA zone)}}{\text{total gross acreage of the parent tract as of March 16, 2022, minus the area of conservation easements identified under subsection 10 below}}$ equals maximum area to be subdivided or developed. Resultant shall be rounded to the nearest 1/10 of an acre.
3. When a parcel of land is split by a zoning boundary, the maximum area

permitted to be subdivided and/or developed in the Conservation (C) zone shall be determined by utilizing only the acreage within the C zone; likewise, the maximum area permitted to be subdivided and/or developed in the Rural Agriculture (RA) zone shall be determined by utilizing only the acreage in the RA zone. The total parcel's maximum development area shall then be determined by utilizing the combined maximum acreage permitted to be subdivided and/or developed within each respective zone. In the event of a parcel split by the C and RA zones and containing greater than 30 acres total, but neither 30 acres in the C zone or 12 acres in the RA zone, the maximum area permitted to be subdivided shall be determined by utilizing the 20% C zone multiplier. Any portion of the parcel within any other zone(s) shall not apply, and such portion shall be regulated according to applicable regulations for that zone or zones.

4. Maximum Number of Lots: Since the minimum lot size in the Conservation zone is three (3) acres, the maximum number of lots that could be subdivided is equal to twenty percent (20%) of the parent tract (rounded to the nearest 1/10 of an acre, divided by the minimum lot size, minus any fraction over a whole. Similarly, in the Rural Agriculture zone, the minimum lot size is 60,000 square feet (1.3774 acres). The maximum number of lots that could be subdivided therein is equal to twenty-five percent (25%) of the parent tract (rounded to the nearest 1/10th of an acre), divided by the minimum lot size, minus any fraction over a whole. The resulting number is referred to as the parcel's development lot quota. (See also subsection 11. below regarding lots that are subject to a fully executed and recorded Deed of Agricultural Conservation Easement.)

For example, for a parcel in the Conservation zone of 108 acres, 20% of 108 equals 21.6 acres. (rounded to the nearest 1/10 of an acre)., The parcel's development lot quota is 21.6 divided by the minimum required lot size of 3 acres equals a maximum of 7.2 or dropping the fraction 7 lots that could potentially be subdivided, provided that the total area of those lots does not exceed the 21.6 acres. However, as an example, if only 2 lots were subdivided containing 10 and 11.6 acres respectively, no further subdivision of the preserved portion of the parent tract would be permitted as the entire development area has been utilized. Again, no further subdivision is allowed of the preserved portion of the original parent tract per subsection 10 below. A similar exercise for 108 acres in the Rural Agriculture zone would permit 25% of 108 or 27 acres to be subdivided. The parcel's development lot quota is 27 acres divided by the minimum required lot size of 60,000 square feet. This equals 19.6 or a maximum of 19 lots.

Applicants are reminded that minimum required lot sizes may need to be larger to accommodate an approved on-lot sewage disposal system, replacement drain field, well and driveway as determined after evaluation by the Township Sewage Enforcement Officer and Township Zoning Officer.

5. Assignment of Development Lots: There must be assigned to both the land being separated from the original parcel, and the remaining portion of the original parcel, at least one (1) of the original parcel's allocation of development lot quota, unless the remaining parcel is being permanently joined to an adjacent parcel which either contains an existing dwelling or has the right to construct at least one (1) dwelling. The lot so assigned to the remaining parcel shall be one of the development lot quota as determined by Subsection 4. above.
6. Existing Buildings: If there are nonagricultural buildings on the parcel that existed as of March 16, 2022, each such building shall automatically account for one of the

maximum number of lots that could be subdivided, as provided for in Subsection d. above, regardless of whether it is intended to be subdivided. However, any land area subdivided from the original parcel with such building(s) shall not be subtracted from the 20% (C zone) or 25% (RA zone) development area allowed by Subsection 2. above.

For example, if a maximum of 10 lots are permitted to be subdivided, and there are two dwellings on the original parcel that existed as of March 16, 2022, then a maximum of 8 lots could be subdivided for new development, provided that the total area of the 8 lots does not exceed the parcel's maximum development area.

7. Subdivision Involving Existing Buildings: If a nonagricultural building that existed as of March 16, 2022 is to be subdivided from the original parcel, the land area to be conveyed shall be limited to existing improvements, driveway, garden, parking and those other lands immediately adjacent thereto which are classified by the USDA and the prevailing edition of the York County Soil Survey as Soil Capability Units IV-7 through VIIIs-2 or land that cannot be farmed due to rock outcroppings, rock too close to the surface to permit plowing, swamps, heavily wooded areas, slopes greater than fifteen percent (15%), or similar land characteristics that are unsuitable for agricultural production.

The area of the parcel so separated, however, shall not be subtracted from the 20% (C zone) or 25% (RA zone) development area that may be otherwise separated. However, as stated in Subsection 6. above, the lot does account for one of the maximum number of lots that could be subdivided.

No additional subdivision of this lot for development purposes shall be permitted unless, at the time of its creation, a specific number of acres of development rights (development area) and a specific number of development lots (development quota) are assigned to this lot and deducted from the original parcel's 20% (C zone) or 25% (RA zone) development area and the parcel's development quota respectively. Any such assignment of maximum development area and development lot quota must be noted on the subdivision plan.

8. New Principal Buildings: Each new principal building shall be located upon a separate, approved and recorded lot.
9. Location of Development Lots: Applicants shall demonstrate that every reasonable effort has been made to located proposed development lots on those portions of the original parcel which offer the least potential for agricultural productivity, but which also are reasonable sites for the type of use proposed. To the extent possible, new buildings shall be located on land classified by the USDA and the prevailing edition of the York County Soil Survey as Soil Capability Units IV-7 through VIIIs-2 or land that cannot be farmed due to rock outcroppings, rock too close to the surface to permit plowing, swamps, heavily wooded areas, slopes greater than fifteen percent (15%), or similar land characteristics that are unsuitable for agricultural production.
10. Conservation Easements: In the event that the rights of nonagricultural development have been sold or assigned to any entity pursuant to an agricultural conservation easement program or other easement program (but not including "Clean and Green"), including county, state, federal or private agricultural preservation programs, then the parcel of land shall forfeit the number of development lot rights granted herein which correspond to the number of acres of the tract for which the easement was given. The parcel shall have attributable to it only the development lot rights (if any) which would

remain with the portion of the parcel which is not subject to the easement. The forfeiture of development lot rights pursuant to this subsection shall be absolute and irrevocable.

11. Regarding lots in the Conservation zone that are subject to a fully executed and recorded Deed of Agricultural Conservation Easement in partnership with York County, the Commonwealth of Pennsylvania, or other similarly qualified land preservation entity, the minimum required lot area may be reduced to two (2) acres as further detailed in Section 303 e) 1. of this Ordinance and per the stipulated terms and conditions of said deed.

SECTION 311

(f) Information Required on Subdivision/Land Development Plans: Each subdivision or land development plan submitted as part of this Overlay Zone must include the following information in addition to that otherwise required by this Ordinance and the Township's Subdivision and Land Development Ordinance.

1. The total gross area of the parent tract as shown in the records of the County Recorder of Deeds on March 16, 2022, and the parent tract's maximum development area.
2. A parcel history, including a listing of the subdivisions that have occurred since March 16, 2022, with a reference to the number of lots, lot area, date of approval and recording data for each subdivision. The location of each lot shall be indicated on a deed plot of the parent tract as it existed on March 16, 2022.
3. The total area that has been subdivided since March 16, 2022, the current proposed development area, and the number of acres remaining in the parent tract's maximum development area.
4. A note stating the original parent tract's maximum development lot quota; the number of lots subdivided since March 16, 2022; the number of lots assigned to any proposed development, existing buildings and/or remaining acreage; and the maximum number of lots remaining to be subdivided. If no development lots remain, it shall be noted as such on the plan.
5. Soil types and classifications as identified and mapped by the USDA and the prevailing edition of the York County Soil Survey shall be shown for the entire parent tract from which the proposed subdivision is to be made. This mapping shall be provided at a scale of one (1) inch equals no more than four hundred (400) feet.

ARTICLE IV GENERAL PROVISIONS

SECTION 420

(l) For parcels subject to Section 311 Agricultural Preservation Overlay Zone (AP), flag lots may be created on each parcel of land, as it existed on March 16, 2022 subject to the following criteria:

1. Flag lots may be permitted if it can be demonstrated that additional flag lots are needed to enable the preservation of prime agricultural soils as described in Section 311(a), then up to 3 flags lots may be permitted and not subject to Sections 420(j) and 420(k).

2. The "handle" shall not exceed 600 feet in length, unless additional length is needed to avoid the disturbance of prime agricultural soils. The "handle" shall not exceed 1,000 feet in length.
3. The "handle" shall maintain a minimum width of twenty-five feet (25') unless a joint driveway is equally located on adjoining flag lots in which event the minimum width may be twelve and one-half (12.5) feet.
4. The area within the "handle" shall be excluded in the calculation of lot size.
5. To minimize the impact on prime agricultural soils, joint use driveways are permitted for vehicular access. The joint use driveway must serve at least one flag lot but in addition at the same time may also serve multiple non-flag lots.
6. All joint use driveways must have a minimum cartway width of 16 feet. The driveway must be constructed and maintained in a manner suitable to the Township Engineer to allow access by emergency and delivery vehicles in all seasons.
7. Cross access easements shall be required to ensure common use of, access to, and maintenance of joint use driveways. Such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan.

A copy of the entire Warrington Township Zoning Ordinance is available for inspection without charge and copying at a charge no greater than the cost to the Township thereof at the Warrington Township Offices, 3345 Rosstown Road, Wellsville, Pennsylvania 17365 during regular business hours.

WARRINGTON TOWNSHIP

Jason Weaver, Chairman of the Board of Supervisors

Brian C. Linsenbach, Esquire, Solicitor

STONE, WILEY & LINSENBACH, P.C.