

an application, in accordance with Section 401 and 500 of the Upper Oxford Subdivision and Land Development Ordinance. Sketch plans are useful tools to identify and correct potential design problems to address compliance with Township ordinance issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions. Sketch plans are not required however.

SECTION 401 USE REGULATIONS

SECTION 401.A. Uses Permitted by Right

A building may be erected, altered or used, and a lot may be used for one of the following principal uses and one or more accessory uses, and for no other:

1. Agricultural Operation, when in accordance with the provisions of Section 402.A. Tracts with Agriculture as the principal use may also include one (1) single family dwelling for the owner or farm operator of the tract, serving as the principle agricultural residential dwelling.
2. Agricultural Operation, Intensive, when in accordance with the provisions of Section 1423.
3. Woodlots, game preserves, forestry, or other conservation purposes.
4. Granges.
5. Agricultural cooperatives.
6. Wholesale sales of agricultural products, in accordance with Section 1431.
7. Single-family detached dwelling, in accordance with Section 404.
8. The following accessory uses and buildings, in accordance with the applicable provisions of General Regulations Article XIV:
 - a. Agricultural accessory dwellings, in accordance with the provisions of Section 402.B;
 - b. Sale of farm products;
 - c. Home occupation;
 - d. Customary agricultural accessory uses and buildings;
 - e. Bed and Breakfast facilities;
 - f. Family Farm Related Business;
 - g. Customary residential accessory uses and buildings;

SECTION 402 AREA AND BULK REGULATIONS

SECTION 402.A. Agricultural Operations.

In order to preserve and promote the continuation of agriculture in the Agricultural District the following area and bulk regulations shall apply to all agricultural and intensive agricultural operations:

1. Minimum Lot Area:
 - a. For tracts of less than 30 acres following are the minimum lot sizes:

Agricultural Operation – 4 acre minimum
Agricultural Operation, Intensive – 25 acre minimum
 - b. For tracts of 30 acres or more following are the minimum lot sizes:

Agricultural Operation – 30 acre minimum
2. Maximum Paved Area: Five (5) percent
3. Maximum Building Height: Thirty-five (35) feet, except that silos, bulk bins and other uninhabited accessory structures shall be exempt from the maximum building height limit when attached to an existing structure or located such that the distance from the base of the silo, bulk bin or other uninhabited accessory structure to the nearest property line or street right-of-way line is no less than the height of said structure plus ten (10) percent of the height of the structure.
4. No new outdoor feed lot, compost or manure storage shall be established closer than two-hundred (200) feet from a lot line for an abutting residential use on a lot not owned by the owner or operator of the outdoor feed lot, compost or manure storage.
5. Agricultural Operation buildings shall not be constructed closer than fifty (50) feet from any property line.

SECTION 402.B. Accessory Agricultural Dwellings.

The following standards shall apply to the creation of accessory agricultural dwellings on a tract used as a farm on or before February 27, 2006:

1. Permitted Types of Accessory Agricultural Dwellings:
 - a. Agricultural Accessory Dwelling Units. An additional dwelling unit created by expanding an existing single-family detached dwelling unit. For example, expanding or adding onto an existing farmhouse to create an additional dwelling unit.
 - b. Conversion. The conversion of an existing structure on a tract to be used as a single dwelling unit. For example, an existing barn can be renovated to create an additional dwelling unit.
 - c. Additional Agricultural Operation Dwelling Units. The development of additional single-family dwelling units. For example, permitting an additional dwelling unit on the tract.

ARTICLE IV

AR-1 AGRICULTURAL DISTRICT

SECTION 400 AUTHORITY AND PURPOSE AND PROCESS

SECTION 400.A. Authority.

The Agricultural District is established in accordance with:

1. Pennsylvania Act No. 247, as amended, The Municipalities Planning Code;
2. The Goals and Objectives of the Upper Oxford Township Comprehensive Plan (1982) and the Upper Oxford Township Open Space, Recreation, and Environmental Resources Plan (1994).
3. Community Development Objectives in Section 102 of this Ordinance.

SECTION 400.B. Purpose

In promoting the policies of the Upper Oxford Township Comprehensive Plan and the Upper Oxford Township Open Space, Recreation, and Environmental Resources Plan the purpose of this Article is to:

1. Preserve the rural character of the Township by promoting the preservation of farmland and the continuation of the agricultural industry, and to permit the continued traditional agricultural use and farm related activities in the Township.
2. Locate the Agricultural District where agricultural operations are the primary land use and along roads which cannot accommodate large volumes of traffic.
3. Protect prime agricultural soils and existing farmland and reduce development pressure that can negatively impact the agricultural industry.
4. Accommodate and encourage a wide range of agricultural operations on soils defined by the Township as Agricultural Soils.
5. Provide farmers with a variety of agricultural related use opportunities to help supplement farm income.
6. Provide development options for farmers to subdivide their properties for development in a configuration that protects the viability of the remaining land for agricultural production.
7. Limit the type and amount of non-agricultural uses within the district in order to avoid conflicts between agricultural and non-agricultural uses.
8. Allow development options on non-farm tracts compatible with this district.

SECTION 400.C. Process

The Township strongly encourages applicants to meet with the Planning Commission to discuss any development options in the form of an informal sketch plan prior to the official submission of

SECTION 1418 DWELLING WITH ATTACHED UNIT

The following provisions shall apply to the erection or modification of a dwelling by the attachment of an additional dwelling unit, when permitted by special exception:

SECTION 1418.A. The proposed principal dwelling unit must have a minimum floor area of eight hundred (800) square feet.

SECTION 1418.B. The proposed addition must be attached to the primary unit and have a minimum floor area of six hundred (600) square feet and a maximum floor area of nine hundred (900) square feet.

SECTION 1418.C. The total building coverage for the principal dwelling and the proposed addition together shall not exceed the maximum requirement of the prevailing zoning district.

SECTION 1418.D. The proposed addition shall be occupied by either an elderly, handicapped, or disabled individual related to the occupants of the principal dwelling by blood, marriage or adoption, or by the caregiver for any of the above mentioned individuals.

SECTION 1418.E. The proposed addition shall not be occupied by more than two (2) people.

SECTION 1418.F. One (1) additional off-street parking space shall be provided for the proposed additional dwelling unit.

SECTION 1418.G. The proposed additional dwelling unit shall be located to the side or rear of the principal dwelling and shall be subject to all side and rear yard requirements of the prevailing zoning district.

SECTION 1418.H. The proposed additional dwelling unit shall be provided with properly designed utility connections, including sewer and water service as approved by the Chester County Health Department.

SECTION 1418.I. The proposed additional dwelling unit shall be provided with separate kitchen and lavatory facilities.

SECTION 1419 FAMILY FARM RELATED BUSINESSES

Establishment of a family farm related business when permitted as a conditional use is subject to the following criteria:

SECTION 1419.A. The purpose of the Family Farm Related Business accessory use is to preserve agriculture in Upper Oxford Township. The Board of Supervisors recognizes that the economics of agriculture are such that some supplemental income is needed in order to continue to operate family farms. Therefore, the purpose of the use is to generate revenue only to supplement a farm income for those individuals actively involved in agricultural operation. This provision shall not be construed to permit or create industrial

uses within the Agriculture District. The use shall complement an active farming business and the right to conduct the family farm related business shall cease if the property ceases to be used for agriculture.

1. Accordingly, the family farm related business will not be of the nature to interfere with the traditional rural character of the agricultural zones and areas. Thus, hours of operation shall be limited to those which would be within the confines of the typical agricultural operation. This accessory use specifically excludes restaurants, motorcycle or car repair shops and uses with similar characteristics.

SECTION 1419.B. A family farm related business may only be conducted on a working farm defined as a farm of at least 20 acres actively involved in agriculture as defined in this ordinance.

1. The applicant for a family farm related business must be the owner or co-owner of the business and the working farm property. The family farm related business may be conducted only so long as the owner or co-owner of the working farm or another member of the same immediate family (defined as mother, father, son, daughter, brother, sister) conducts the business and resides on the farm.
2. Any new building used for family farm related business shall have a minimum setback from all rights of way and adjacent front, side, and rear property lot lines of 200 feet. Any existing building shall have a minimum front yard of 100 feet and minimum side and rear yards of 85 feet in order to be converted into a family farm related business use.
3. No family farm related business may be conducted within a manufactured/mobile home.
4. The maximum floor area for use in a family farm related business shall not exceed 2,000 square feet and is permitted only on the first floor of any building with the exception of storage uses. The Board of Supervisors may grant an exception to the first floor limitation if evidence is shown that the health, safety, and welfare of the Township residents and the family farm members are not adversely impacted by the use of additional floors.
5. There shall be no storage or display of goods manufactured or created at the family farm related business that is visible from any other property. The exception to this is that a sample of the goods produced on site may be placed out-of-doors in a display that is not inconsistent with the use of the property as a family farm. The Board of Supervisors may determine whether more than one sample is permissible at a particular site. Outdoor storage must be screened by solid fencing or buildings from both roads and neighboring properties.
6. No lighted exterior or interior display of goods shall be visible from adjacent properties or street rights of ways.
7. The exterior of the farm buildings shall not be altered from their intended farm uses and shall have an appearance no different from that of a working family farm.
8. The family farm related business shall not emit any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference or other hazard that is noticeable at or beyond the closest property lot line. No use that requires application or permitting by the Department of Environmental Protection for the handling of hazardous waste or other substances shall

be permitted. The family farm related business is limited to no more than one additional worker over and above members of the farming family residing on that family farm.

9. A minimum of two (2) off-street parking spaces shall be provided (in addition to the required number for residents) for each 500 square feet of space used for a family farm related business. However, this requirement is specifically modified by the requirement that the appearance of a typical working farm be retained so that no large expansive parking is permitted.
10. If the Board of Supervisors of Upper Oxford Township grants a conditional use for the operation of a family farm related business on a working farm, an annual permit must be obtained from the Board of Supervisors.

SECTION 1420 FAMILY FARM RELATED SCHOOL

When permitted as a conditional use by the Board of Supervisors, the following provisions shall apply for a family farm related school which may only be conducted on a working farm as defined in Section 1319.B above:

SECTION 1420.A. The family farm related school is limited to a site no larger than two (2) acres within the boundary of the farm.

SECTION 1420.B. The family farm must contain at least twenty (20) acres to qualify for the location of a family farm school. The farm must be actively involved in agriculture as defined in this ordinance. The applicant for the family farm related school must be the owner of the farm. Although it is not a requirement that a child of the farm family on which the school is located be a student, in no event shall the owners of the property profit from the school being on their property.

SECTION 1420.C. The population of the family farm related school shall not exceed thirty (30) pupils. The family farm related school shall be limited to those grades below the high school level.

SECTION 1420.D. The family farm related school shall be limited to a day school and shall, in no event, permit any boarding of pupils.

SECTION 1420.E. The location of the family farm related school shall, if possible, be such that a subdivision would be possible although this use is permitted without the subdivision of a lot from the family farm.

SECTION 1421 INTERIOR LOTS

An interior or flag lot shall be permitted only when the Board of Supervisors grant a conditional use based upon the following conditions:

SECTION 1421.A. The Board finds that it is necessary for the proper utilization of the land.

SECTION 1421.B. Such interior lot shall have an access strip serving only that lot.

SECTION 1421.C. The access strip shall have a minimum width of 50 feet for its entire length and shall be no longer than 400 feet.

SECTION 1421.D. In no event shall more than two interior lots be contiguous.