

Chapter 220. Zoning

Article XVII. Nonconforming Lots, Uses Structures, and Buildings

§ 220-105. Nonconforming uses of land.

Lawful uses of land which, at the effective date of this chapter or as a result of subsequent amendments thereto, become nonconforming and where such use involves no individual structure or building with a replacement cost exceeding \$1,000, may be continued by the present or any subsequent owner as long as it remains otherwise lawful, subject to the following provisions.

- A. Extension. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was owned or leased by the user at the effective date of this chapter.
- B. Discontinuance. When a nonconforming use has been discontinued or abandoned for 12 consecutive months, such nonconforming use shall not thereafter be resumed. Any future use shall be in conformity with the provisions of this chapter.
- C. Changes of use.
 - (1) A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use.
 - (2) As a use by special exception, a nonconforming use may be changed to another nonconforming use of a more restrictive nature in accordance with the provisions of § 220-118G of this chapter, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate for the tract in question than the existing nonconformity in light of the conditions affecting the tract and the zoning regulations thereof.
- D. Additional structures or buildings. No additional structure(s) or building(s) not in conformity with the requirements of this chapter shall be erected in connection with a nonconforming use of land.

Chapter 220. Zoning

Article XVI. Supplementary Regulations

§ 220-87. General agricultural use regulations.

General agricultural uses, as defined in § 220-11 of this chapter and as described below, are permitted by right in all zoning districts except High-Density Residential (R-2a), Village Density Residential (R-3), and Multifamily Residential (R-4).

A. General agricultural standards.

- (1) Agricultural uses shall be conducted on a farm which shall be a minimum of three acres in size.
- (2) Animal husbandry uses shall be limited to the following:

Area in Contiguous Acres	Animal Equivalent Units Per Acre(s)
3 to 5	0.5
More than 5 to 25	1.5
More than 25 and above	2.0

Uses exceeding an animal density greater than specified above shall be considered an intensive agricultural use which is permitted by special exception in the Agricultural Preservation (AP) Zoning District only, and are subject to § 220-88 of this chapter.

- (a) Notwithstanding anything to the contrary, no agricultural structure housing animals shall be located closer than 150 feet to any property boundary.
 - (b) All grazing or pasture areas utilized for this purpose shall be fenced.
 - (c) No slaughter area or manure storage shall be established closer than 150 feet from any property line.
- (3) The display and sale of farm products shall be permitted provided that at least 50% of the quantity of products for sale has been produced from seed or seedlings on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than 50 feet from the center of any road and 75 feet from the center of an intersection. The road leading into the parking area must exceed 75 feet from the center of the intersection. In addition, all off-street parking and access driveway shall be designed in accordance with § 220-61 of this chapter.
- (4) General agriculture standards: animal units per acre (0.5, 1.5, 2.0):

Number of Acres	Animal Units	Cattle	Swine	Sheep/Goats	Poultry	Rabbits
		(1,200 pounds/animal)	(300 pounds/ animal)	(200 pounds/ animal)	(4 pounds/ animal)	(5 pounds/ animal)
1	0.5	0.4	1.7	2.5	125	100
3	0.5	1.3	5.1	7.5	375	300
4	0.5	1.7	6.8	10	500	400
5	1.5	6.25	25	37.5	1,875	1,500
		(1.25 cattle/acre)	(5 swine/acre)	(7.5 sheep/acre)	(375 poultry/acre)	(300 rabbits/acre)
8	1.5	10	40	60	3,000	2,400
10	1.5	12.5	50	75	3,750	3,000
15	1.5	18.8	75	112.5	5,625	4,500
20	1.5	25	100	150	7,500	6,000
24	1.5	30	120	180	9,000	7,200

Number of Acres	Animal Units	Cattle	Swine	Sheep/Goats	Poultry	Rabbits
		(1,200 pounds/animal)	(300 pounds/ animal)	(200 pounds/ animal)	(4 pounds/ animal)	(5 pounds/ animal)
25	2	42.5	167.5	250	12,500	10,000
		(1.7 cattle/acre)	(6.7 swine/acre)	(10 sheep/acre)	(500 poultry/acre)	(400 rabbits/acre)
30	2	51	200.1	300	15,000	12,000
60	2	102	400.2	600	3,000	24,000
90	2	153	600.3	900	45,000	36,000
100	2	167	667	1,000	50,000	40,000
120	2	200.4	800.4	1,200	60,000	48,000
140	2	233.8	933.8	1,400	70,000	56,000
180	2	300.6	1,200.6	1,800	90,000	72,000
200	2	334	1,334	2,000	100,000	80,000

(5) All farm-related businesses shall also comply with the following standards:

- (a) The applicant shall demonstrate that the farm business is compatible with the rural setting and will not unduly interfere with nearby residences and agriculture production activities.
- (b) No more than a total of five full time equivalent nonresident employees of the farm parcel shall be employed by the farm-related business.
- (c) The farm-related business shall occupy an area no greater than a maximum of 20,000 square feet.
- (d) The maximum acreage devoted to a farm-related business (including the structure, parking, storage, and driveway if separate) shall be no more than three contiguous acres.
- (e) Where practicable, farm-related businesses shall be conducted within an existing farm building.
- (f) The maximum impervious lot coverage of a farm-related business shall not exceed 25% of the three acres.
- (g) Any new building constructed for use by the farm-related business shall be:
 - [1] Located no less than 50 feet from all property boundaries.
 - [2] Meet current front setback requirements.
- (h) Off-street parking shall be provided per § 220-61 of this chapter. The length of any access drive shall be sufficient to accommodate delivery and customer vehicles.
- (i) Any outdoor storage of supplies, materials or products shall be located no closer than 50 feet from all property boundaries.
- (j) One outdoor sign shall be permitted for a farm-related business. Such signs shall be erected so as not to interfere with safe ingress, egress and regress and shall be subject to the provisions of § 220-62 of this chapter.
- (k) Composting and other farm waste storage facilities shall not be permitted within 150 feet of any property line and 200 feet from a stream or waterway.

(6) Greenhouse uses.

- (a) Greenhouse uses shall not exceed a maximum of 50,000 square feet for the entire operation but shall be subject to the acreage scale below:

Area in Contiguous Acres	Allowed Square Feet of Growing Area Under Cover
Up to 3	1,000 square feet per acre
3 to 15	1,500 square feet per acre
15 to 25	2,000 square feet per acre

- (b) When retail sales to the general public are part of such operation, the provisions of § 220-87A(5) related to farm-related business shall apply.

- (c) A traffic and off-street parking plan shall be provided at the time of application to allow maneuverability, parking, and loading of deliveries, supply trucks, or other similar vehicles as well as compliance with the other parking provisions contained in § 220-61 of this chapter.
- (d) Greenhouse structures shall be included in the impervious coverage of the tract whether or not the cover material is permanent.
- (e) Prior to commencing operations, the applicant shall obtain an approved erosion and sedimentation control plan approved by the Berks County Conservation District.
- (f) The applicant shall also take all reasonable steps to employ practices and takes all reasonable actions to conserve water and employ best management practices when feasible based upon soil types and conditions.