

Chapter 250. Zoning

Article V. Agricultural Districts (A)

§ 250-14. Use regulations.

No building or structure may be erected or used and no land may be used or occupied except for one of the following uses:

A. Principal uses:

- (1) Agriculture. (See § 250-77.)
- (2) Forest uses related to harvesting of lumber products.
- (3) House of worship.
- (4) Single-family dwelling. (See § 250-16.)
- (5) Township owned and operated municipal recreation facility or park. (See § 250-68.)
- (6) Group home. (See § 250-51A.)
- (7) Small school.

Uses identified as principal uses in Subsection A(3) and (7) must be located on land of low quality for agricultural use as defined in this chapter. Each use described in Subsection A(3), (4), (5), (6), and (7) shall reduce the number of dwelling units as set forth by § 250-16A permitted to be located upon the tract by one.

B. Accessory uses:

- (1) Home occupation. (See § 250-46.)
- (2) Signs. (See § 250-83.)
- (3) Storage. (See § 250-61.)
- (4) Outdoor swimming pool. (See § 250-55.)
- (5) Agricultural commodity sales. (See § 250-65.)
- (6) Farm processing establishment. (See § 250-66.)
- (7) Domiciliary care unit. (See § 250-51B(2).)
- (8) Family day-care home. (See § 250-56.)
- (9) Fences and walls. (See § 250-71.)
- (10) Cemetery. (See § 250-73.)
- (11) Nursery school. (See § 250-56.)
- (12) No-impact home-based business. (See § 250-47.)
- (13) Events venue.
- (14) Auction and yard sales. (See § 250-80.)
- (15) Wind energy conversion systems. (See § 250-76.)

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (16) Any other use customarily incidental to any of the uses permitted by this section as principal uses.

Accessory uses in Subsection B(1), (4), (7), (8), (12) and (14) shall be permitted as accessory only to principal use in Subsection A(4). Accessory uses in Subsection B(10) and (11) shall be permitted as accessory only to principal use in Subsection A(3). Accessory uses in Subsection B(5) and (6) shall be permitted only as accessory to principal use in Subsection A(1). Accessory use in Subsection B(13) shall be permitted as accessory only to principal uses in Subsection A(3) and (5).

C. Principal uses permitted by special exception:

- (1) Kennel. (See § 250-78.)
- (2) Public utility building. (See § 250-41.)
- (3) Communication, transmitting and receiving facilities. (See § 250-42.)
- (4) Public buildings and essential uses.
- (5) Wastewater spray irrigation fields. (See § 250-44.)
- (6) Outdoor recreational uses. (See § 250-59.)
- (7) Solar farm. (See § 250-74.)
- (8) Wind farm. (See § 250-75.)
- (9) Bed-and-breakfast inn. (See § 250-63.)

- (10) Medical center, office or clinic. (See § 250-51B(3).)
- (11) Concentrated animal feeding operation. (See § 250-39.)
- (12) Mill, including, but not limited to, feed and grain mills.
- (13) Automotive sales and services limited to agricultural equipment and agricultural vehicles.
- (14) Veterinary office or animal hospital. (See § 250-40.)
- (15) Warehousing, limited to the storage of agricultural equipment, vehicles, produce, feed and supplies.

All uses permitted by special exception, except use in Subsection C(12), must be located on land of low quality for agricultural use as defined in this chapter. Each such use excepting uses in Subsection C(3) and (5) shall reduce the number of dwelling units as set forth by § 250-16A permitted to be located upon the tract by one.

D. Accessory uses permitted by special exception:

- (1) Home occupation. (See § 250-46.)
- (2) Any other use customarily incidental to any of the uses permitted by this section as special exception uses.

Accessory use in Subsection D(1) shall be permitted as accessory only to principal permitted use Subsection A(4), Single-family dwelling.

§ 250-16. Regulations respecting single-family dwellings.

Single-family dwelling units in the Agricultural District shall be subject to the following limitations:

A. There shall be permitted on each tract of land the following number of single-family dwelling units:

Size of Tract of Land (as of December 7, 1974) (acres)	Number of Single-Family Dwelling Units Permitted (including those existing as of December 7, 1974, and those located on a "farm")
0 to 7	1
7 to 30	2
30 to 80	3
80 to 130	4
130 to 180	5
180 to 230	6
230 to 280	7
280 to 330	8
330 to 380	9
380 acres and over	10

- (1) In the event an agricultural conservation easement or other easement restricting or limiting nonagricultural development has been placed on any parcel or part thereof, such parcel shall not have any allocation of dwelling units in excess of dwelling units currently existing on the parcel, unless the deed creating the easement specifically reserves to the parcel such dwelling rights or the property owner has entered into an agreement with the Township prior to the granting of such easement allocating permitted dwelling units between the portion of the parcel which will be subject to the easement and the portion of the parcel which will not be subject to the easement. In no event shall the permitted allocation exceed the number permitted the tract by the above table.

B. New dwelling units, sewage disposal systems and accessory structures and uses must be located on lots which, together with the driveway or driveways providing access to such lots, consist in their entirety land of low quality for agricultural use as defined in this chapter. Where such location is not feasible, approval shall be granted to enable dwelling units to be located on lots containing higher quality soils. However, in all cases, such dwelling units, sewage disposal systems, accessory structures and uses and residential lots, together with access drives or driveways providing access to such lots, shall be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.

C. A lot on which a new dwelling is to be located shall contain at least 40,000 square feet and be at least 200 feet wide. A lot shall not exceed one acre in size except where reasonably necessary in order to provide a suitable location for the dwelling, the well, the on-site sewage disposal system, and the driveway, in which event the lot shall contain only as much land as is reasonably necessary to provide a suitable location for the dwelling, the well, the on-site sewage disposal system and the driveway with the maximum size not exceeding two acres unless one or more additional dwelling rights are transferred to the property pursuant to § 250-16D of this chapter. If a new dwelling is to be located on a residual tract which currently is not improved with a dwelling, that dwelling, together with its access drive or driveways, its sewage disposal system, accessory structures and uses, must be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.

D. The right to construct or erect dwelling units as provided by § 250-16A of this chapter may be transferred from one parcel to another under the following circumstances:

- (1) In the event two or more parcels are in common ownership and are contiguous to one another, the owners may transfer the right to construct or erect dwelling units as provided by § 250-16A of this chapter from one parcel to another owned by them provided the resulting single-family dwelling units are located on lots which, when considered as a part of the combined parcel, consist in their entirety either of land of low quality for agricultural use as defined in this chapter or of land which is less desirable for agricultural use than any land on which a single-family dwelling lot could feasibly be located on the transferor parcel.
- (2) In the event the owners of a parcel propose a lot on which a new dwelling or other use required by § 250-14 to utilize one of the parcel's allocation of dwelling units is to be located utilizing one of the rights allocated to such parcel by § 250-16A of this chapter and propose that the lot be larger than that permitted by § 250-16C of this chapter, such lot may be approved, providing:
 - (a) One additional right to construct or erect a dwelling as allocated by § 250-16A of this chapter to the parcel on which the lot is proposed to be located is assigned to such lot and retired so as not to be available for transfer or reassignment or to create the location of a dwelling unit, for each three acres or part thereof by which the proposed lot exceeds the lot size permitted by § 250-16C of this chapter; or
 - (b) One right to construct or erect a dwelling as allocated by § 250-16A of this chapter is transferred from another parcel to such lot for each three acres or part thereof by which the proposed lot exceeds the lot size permitted by § 250-16C of this chapter; and
 - (c) The land forming the addition to the proposed lot consists in its entirety of land of low quality for agricultural use as defined in this chapter.

Upon transfer, any transferred rights shall be retired and shall not be available for retransfer or to create the location of a dwelling unit.
- (3) In the event the owners of a parcel intend to create a lot which is proposed to be added to and merged with a lot or parcel:

- (a) Which is presently improved with a dwelling or other use required by § 250-14 to utilize one of the parcel's allocation of dwelling units; or
 - (b) Which is presently unimproved but which has available to it the right to construct or erect at least one dwelling or other use requiring utilization of one of the parcel's allocation of dwelling units pursuant to the provisions of § 250-16A of this chapter, and the size of the parcel following the merger will be larger than the lot size permitted for a new dwelling by § 250-16C of this chapter, such lot may be approved, provided:
 - [1] One right to construct or erect a dwelling as allocated by § 250-16A to the parcel on which the lot addition is proposed to be located is assigned to such lot and retired so as not to be available for transfer or reassignment or to create the location of a dwelling unit for each three acres or part thereof by which the proposed lot when combined with the existing lot will exceed the lot size permitted a new dwelling lot by § 250-16C of this chapter; or
 - [2] One right to construct or erect a dwelling as allocated by § 250-16A is transferred from another parcel for each three acres or part thereof by which the proposed lot when combined with the existing lot will exceed the lot size permitted a new dwelling lot by § 250-16C of this chapter; and
 - [3] The land forming the addition to the proposed existing parcel or lot consists in its entirety of land of low quality for agricultural use as defined in this chapter.
 - (c) Upon transfer, the transferred rights shall be retired and shall not be available for retransfer or to create the location of a dwelling unit.
- (4) Following the transfer, the transferor tract must either contain an existing dwelling or have allocated to it the right to construct at least one dwelling unless it is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one dwelling.
 - (5) A transfer may not be approved if the location of the dwellings allocated to the transferor tract by § 250-16A of this chapter on such transferor tract is precluded by physical features such as inadequate access, steep slopes, wetlands, etc., as opposed to the desire to preserve agricultural land in agricultural use. (The right must be physically usable on the transferor tract in order to be transferable.)
 - (6) Before any transfer is approved, the owner or owners must enter into a recordable agreement with the Township in a form approved by the Township Solicitor to give public notice of the transfer and, if the transferred dwelling right or rights are to be retired, to give public notice of such retirement.