

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE WARWICK TOWNSHIP BOARD OF SUPERVISORS AMENDING THE TOWNSHIP ZONING ORDINANCE TO AMEND THE REGULATIONS FOR AGRICULTURAL USES TO INCLUDE A11 ACCESSORY FARM BUSINESS AND AMEND THE TABLE OF USES TO REFLECT THE A11 ACCESSORY FARM BUSINESS USE ALLOWABLE WITHIN ZONING DISTRICTS AS PERMITTED.

PREAMBLE

The Warwick Township Board of Supervisors, after review of the Warwick Township Planning and the Bucks County Planning Commission and giving full consideration to the recommendations of both planning commissions does hereby adopt this ordinance amending the Warwick Township Zoning Ordinance to include regulations for (A11) Accessory Farm Business and to identify what zoning districts permit the use by right.

SECTION ONE

Zoning Ordinance Section 195-9 is hereby amended to include a definition of the term “farm” as follows:

FARM- A parcel of ground, the principal use of which is agriculture.

SECTION TWO

A. Zoning Ordinance Section 195-16.A(11) Accessory Farm Business, is hereby added as follows:

(11) A11 Accessory Farm Business. An accessory farm business is a revenue-generating venture accessory to, the principal agricultural use that is conducted on the land. Allowable Accessory Farm Businesses are limited to: educational tours; seasonal festival featuring products grown on the farm, animal shows with animals normally kept on the farm, and private social gatherings of 300 or less guests.

(a) The following requirements apply to Accessory Farm Businesses:

- [1] The purpose of the establishment of this accessory use is to encourage the continuation of farming and preservation of resident farmers in Warwick Township by allowing working farmers to market their products and services directly to the public as an accessory use and in a manner that is compatible with the rural/residential character of the Township. It is not the intent of this ordinance to allow Farms to be used predominantly for commercial purposes.
- [2] The Accessory Farm Business regulations shall not prevent or regulate the sale of farm produce grown on properties within the Township’s Agricultural Security District, where such retail sale is permitted under Agricultural Security Area Law, Act 43 of 1981 (3 P.S. §§901-915), as amended. This ordinance also shall not affect the ability to sell farm products pursuant to Use A3 – Agricultural Retail accessory use when permitted. Both the Agricultural Security Area Law and Use A3 of this zoning ordinance require that a minimum of fifty percent of the products sold shall be grown on the farm on which the retail sale occurs.
- [3] An Accessory Farm Business may only be operated by the person or entity actively engaged in the principal agricultural use of the property. An Accessory Farm Business may not be operated by a subcontractor or entity hired by the person or entity actively engaged in the principal agricultural use of the property.
- [4] All Accessory Farm Businesses shall secure zoning permits prior to the onset of the accessory activity. Permit applications shall demonstrate compliance with all Federal, state, county and local laws, ordinances, and regulations, including, but not limited to:

- a. Requirements of the Bucks County Health Department for water supply, sewage disposal, and rest room facilities;
- b. All applicable Township Zoning and Code requirements, including fire and building code requirements;
- c. The applicant shall supply any other information deemed necessary by the Zoning or Code Enforcement Officer to determine compliance.

[5] The Accessory Farm Business is permitted as an accessory use only. If any of the conditions to which the use is subject cease to be met, then the Accessory Farm Business Use shall also cease.

(b) In addition to complying with subsection (a)[1] through (a)[5] above, an Accessory Farm Business is subject to the following additional requirements:

[1] Minimum lot area required: 20 contiguous owned acres.

[2] No activity or event or structure used for an activity or event shall be located within 200 feet of a right-of-way line or property line except for parking areas which may be located within 100 feet of a right-of-way line or property line. All parking areas located within 200 feet of a residential dwelling shall be buffered to prevent noise and the visibility of headlights.

[3] No activity or event shall continue past 9:00 p.m. Sunday through Thursday or past 10:00 p.m. Friday and Saturday.

[4] The following types of activities shall not be permitted:

- a. Outdoor concerts or amplified sounds which exceed or would exceed the decibel (dBA) limits for residential districts as set forth in Section 195-67 of this Ordinance;
- b. Mechanical rides or amusements;
- c. Flea markets; and
- d. Craft shows

[5] Permitted activities and events are subject to the following regulations:

a. Educational Tours:

- i. An annual permit is necessary to operate education tours.
- ii. In addition to the permit application requirements set forth in 195-16.A(11).a.[4], the permit shall specify the number of days per year that educational tours will take place on the farm and the curriculum involved.

b. Private Social Gatherings of 300 or less Guests:

- i. A permit shall be required for each private social gathering.
- ii. No Farm use shall host more than eight (8) private social events per calendar year. A single private social gathering shall not exceed one (1) day in duration;
- iii. Private social gatherings, regardless of size are not permitted to sell tickets or charge a fee for attendance;
- iv. In order to secure a permit, the applicant must demonstrate compliance with Subsection [6] – Parking.
- v. Private Social Gatherings of 100 or less guests do not have to comply with the minimum lot area or road access requirements of this use.

c. Seasonal Festivals and Farm Animal Shows:

- i. A permit shall be required for each farm animal show and for each single seasonal festival;
- ii. A seasonal festival must feature agricultural products grown on the property on which the festival is held (i.e. pumpkins, peaches, apples etc.).
- iii. No more than eight (8) such seasonal festivals or farm animal shows shall be permitted per farm per calendar year. A single seasonal festival shall not exceed three (3) days in duration;

[6] Parking for Accessory Farm Businesses:

- a. One off-street parking space for each 200 square feet of area to be used for the Accessory Farm Business use, plus one space for each individual staffing the event. In addition to the parking requirements of this section, seasonal festivals, farm animal shows and private social events must demonstrate the capacity to provide off-street parking for the anticipated number of attendees as part of the permit process.
- b. Off-street parking areas shall be provided in designated areas to accommodate all attendees at any educational tour, seasonal festival, farm animal show or private social gathering. Access from public roads to the parking area shall be paved at a minimum of one hundred (100) feet in length and/or have a fifty (50) foot gravel tire-cleaning area.
- c. Parking areas shall be adequately screened with a class A buffer [See attachment 3 – table 2 planting options within this chapter].

[7] A traffic control plan and a parking control plan shall be submitted to and approved by the Township Police Department prior to receiving a permit for events other than educational tours.

[8] Access to the Farm to be used for an Accessory Farm Business shall be from an arterial or collector road.

[9] Lighting – No permanent outdoor lighting shall be installed or illuminated for an Accessory Farm Business; temporary lighting may be used for an Accessory Farm Business for the duration of the event only and may not shine or produce glare, as defined and regulated by Section 195-70 of this Ordinance, on adjacent properties. No temporary light fixture installed or utilized for an Accessory Farm Business event shall be located more than 20 feet above the ground. All event-related lighting is to be turned out 30 minutes after the event has concluded.

[10] Signs – Shall be in accordance with Section 195-97(B) within this chapter. The sign must have a sign permit and shall be subject to all applicable requirements of Article XXII, signs. No off-premises signs are permitted.

SECTION THREE

Zoning Ordinance Section 195-18.A is hereby amended as follow:

A11 Accessory Farm Business

SECTION FOUR

The Table of Uses, §195-15 which is appended to the Zoning Ordinance is hereby amended as follows:

Use A11 Accessory Farm Business is included as Permitted (P) use in the Residential/Agricultural (RA), Residential (R1, R2), Restricted Residential (RR), Residential Golf (RG), Multi-family Residential (MF, MF2).

SECTION FIVE

Repealer. All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION SIX

Severability. If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

SECTION SEVEN

Effective Date. This ordinance shall be effective five days after enactment.

ENACTED AND ORDAINED this day of , A.D., .

**WARWICK TOWNSHIP BOARD
OF SUPERVISORS**

Judith A. Algeo, Esq., Chair

John W. Cox, Vice Chairman

ATTEST:

**Kyle W. Seckinger
Township Manager/Secretary**

Edward P. Thompson, Jr., Member