

ORDINANCE NO. 809-2019

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE TOWNSHIP TO PROVIDE FOR AGRITOURISM AS A PERMITTED USE IN THE AGRICULTURAL A-1 ZONING DISTRICT; PROVIDING A DEFINITION OF AGRITOURISM AND PROVIDING EXPRESS STANDARDS AND CRITERIA APPLICABLE TO THE AGRITOURISM USE.

BE IT ORDNANIED AND ENACTED by the Board of Commissioners of the Township of East Pennsboro and it is hereby Ordained and Enacted by the authority of the same as follows:

SECTION 1: Section 27-202 [Definitions] of Part 2 of Chapter 27 [Zoning] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to add and to include and incorporate the following additional Definitions, in alphabetical order, as follows:

§27-202. Definitions.

Agritourism: an agricultural land use enterprise conducted to promote agriculture and agricultural products, for the enjoyment of visitors that generates income, to include, but not limited to:

- Wineries, wine tours and tastings.
- Corn mazes and similar attractions.
- Agriculturally related education and learning experiences serving more than 50 people visiting within a 24 hour period.
- Farm Stands / Agricultural commodities sales.

Agricultural Use: a use related to art and science of cultivating the soil, growing crops or raising livestock, and including the preparation of plant and animal products for people to use and their distribution to markets.

Agricultural Products: agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof.

Horticultural uses: a use related to the science and art of producing, improving, marketing, and using fruits, vegetables, flowers, and ornamental plants.

Externally sourced products (as related to agritourism): any products purchased for resale in the Agricultural District.

Farm Stand: A stand that sells farm Agricultural commodities and or Agricultural plants.

SECTION 2: Section 27-702 [Permitted Uses] Part 7 [A-1 Agricultural District], Chapter 27, Zoning, of the Code of Ordinances of the Township, is hereby amended to add the following use as a permitted use in the Agricultural District and meeting all of the requirements listed herein for Agritourism:

§ 27-702.1(O) Agritourism.

SECTION 3: Section 27-1902, [Special Use Regulations] Part 19 [General and Special Regulations], Chapter 27, [Zoning], of the Code of Ordinances of the Township, Part is hereby amended to add the following section 1902.25 providing express standards and criteria for Agritourism:

§27-1902.25 Agritourism. Where permitted, agritourism shall be subject to the following conditions:

A. Location. The agritourism uses are to be contained within a structure. All agritourism uses outside of structures are special events and are subject to special event conditions.

B. Site sourced. A minimum of five percent (5%) of the aggregate total of the products offered for sale in conjunction with an agritourism use must be grown/raised on the same property.

C. Externally sourced products.

1. Locally sourced. A minimum of fifty percent (50%) of the aggregate total of the externally sourced products offered for sale, shall be grown/raised within Cumberland, Adams, Dauphin, Franklin, Perry and/or York Counties.

2. Regionally sourced. A maximum of fifty percent (50%) of the aggregate total of the products offered for sale may be grown/raised outside of Cumberland, Adams, Dauphin, Franklin, Perry & York Counties, but must be grown/raised within the Commonwealth of Pennsylvania or a one hundred fifty (150) mile radius of the property on which the agritourism use occurs excepting that externally sourced products which are not in season locally or regionally, which are offered for sale annually between the dates of April 1 and June 15, may be grown/raised within the United States.

3. Recordkeeping. Records of the externally sourced products must be maintained provided to the Township upon request.

C. Agritourism is a permitted use on properties having a minimum lot size of five (5) acres.

D. Agritourism is a conditional use on properties with a lot size between two and one half (2.5) and five (5) acres. Such conditional use must meet all of the requirements for the Agritourism use.

E. Applicants must submit a site plan identifying the location of the agritourism use, all farm buildings, dwellings, structures, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, and location of sanitary facilities (if required).

E.1 Applicants must comply with the Regulations set forth in Chapter 22, the East Pennsboro Township Storm Water Management Ordinance,

E.2 Applicants must comply with all other applicable federal, state, county and/or local laws.

F. Parking design and individual parking space sizes as per Chapter 27, Part 21 of the East Pennsboro Zoning Ordinance.

F.1 Number of Parking Spaces. The required number of parking spaces shall be determined in accordance with the requirements of Chapter 27, Part 21 of the East Pennsboro Zoning Ordinance.

F.2 Special Event Parking. The required number of parking spaces shall be determined per the Event Action Plan and all special event conditions.

G. Driveway access and minimum parking space dimensions shall be per §27-1901.2

H. Sanitary facilities shall be provided in accordance with all PA DEP and State regulations

I. If open to the public, all facilities (i.e. Parking, paths, and restrooms) shall meet the requirements of the UCC, as revised/amended from time to time.

J. All prepared food available for sale must be prepared in accordance with applicable federal, state, and local regulations

K. A maximum of two (2) signs identifying the agritourism use may be a maximum height of five (5') feet from ground level to the top of the sign. All signs must be out of the public right of way and may not be illuminated. A permit is required prior to sign placement on the same lot and shall be included on the site plan.

K. No commercial vendors shall be permitted to conduct business with the public on properties providing an agritourism use except those related to the agritourism use including: Caterers, Disc Jockeys, Bands, Musicians, Photographers and similar services.

L. All agritourism uses shall be required to obtain and maintain annual business permits issued by East Pennsboro Township.

M. The applicant shall submit evidence that all appropriate state and federal requirements have been met prior to the issuance of a final occupancy permit including, but not limited to:

- Pennsylvania Department of Agriculture & Township Restaurant License (Food Handling/Food Service)
- Pennsylvania Department of Environmental Protection (Sanitary Facilities)
- Pennsylvania Liquor Control Board (Wineries)
- Bureau of Alcohol, Tobacco, and Firearms (Wineries)
- Pennsylvania Fish and Boat Commission (Regulated Fishing Lakes)
- Pennsylvania Game Commission (Regulated Hunting Land)
- Pennsylvania Department of Agriculture (Nursery License)
- Pennsylvania Department of Agriculture (Petting Zoo License)

O. Buffer Yards and Screen Plantings as per §27-1901.2

P. Applicants must obtain all required building permits for any part of the agritourism use.

Q. Applicants must obtain all required fire operational permits for any part of the agritourism use.

SECTION 4. If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

SECTION 5. All ordinances or parts of ordinances or tables inconsistent herewith are hereby repealed.


SECTION 6. In all other respects, Chapter 27 [Zoning] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 7. This Ordinance shall take effect immediately upon its enactment.

ENACTED AND ORDAINED this 10th day of July, 2019

**BOARD OF COMMISSIONERS
EAST PENNSBORO TOWNSHIP**

Attest:



A. John Pietropaoli, Secretary

By: 

John W. Kuntzelman, President