

**WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2 of 2022

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
WILLISTOWN TOWNSHIP TO ALIGN THE DEFINITIONS AND
REGULATIONS FOR AGRICULTURAL USES WITH
APPLICABLE PENNSYLVANIA LAW.**

WHEREAS, Willistown Township (“Township”) is a body corporate and politic, organized and existing under the Second Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §65101 et seq. (the “Code”); and

WHEREAS, the Township has a rich, profound, and productive historical relationship with agricultural uses including farming, animal husbandry, and the production of agricultural commodities, continuing to the present day; and

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code (“MPC”), 65 P.S. §10101 et seq., the Township’s Board of Supervisors (“Board”) have previously enacted and amended, from time to time, a Zoning Ordinance codified at Chapter 139 of the Township’s Code of Ordinances; and

WHEREAS, the Municipalities Planning Code “ensure[s] that municipalities enact zoning ordinances that facilitate the present and future economic viability of existing agricultural operations in this Commonwealth and do not prevent or impede the owner or operator’s need to change or expand their operations in the future in order to remain viable.” 53 P.S. § 10105; and

WHEREAS, in its Zoning Ordinance, the Township has delineated a substantial amount of the land in the Township as a RU – Rural Zoning District for the purpose of facilitating agricultural uses and preserving agricultural lands; and

WHEREAS, the Board finds that it is in the interest of the Township and its citizens, and consistent with the Township’s Comprehensive Plan, to assure that the Township’s Zoning Ordinance is consistent with the laws of the Commonwealth; and

WHEREAS, pursuant to Section 609 of the Municipalities Planning Code, 53 P.S. § 10609, Willistown Township is authorized and empowered to enact amendments to the Willistown Township Zoning Ordinance after a public hearing thereon pursuant to public notice; and

WHEREAS, the Board of Supervisors of Willistown Township has conducted a public hearing pursuant to public notice concerning the following amendments to the Willistown Township Zoning Ordinance; and,

WHEREAS, after a public hearing pursuant to public notice, the Willistown Township Board of Supervisors desires to ordain and enact the amendments to the Willistown Township Zoning Ordinance set forth hereinafter.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Willistown Township as follows:

Section 1. The Zoning Ordinance of Willistown Township, § 139-6 (“Definitions”), is hereby amended by deleting the definition of the term “AGRICULTURE” in its entirety and replacing it with the following:

AGRICULTURE

The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

- (1) not less than ten contiguous acres in area; or
- (2) less than ten acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall not be considered a normal farming practice.

Section 2. The Zoning Ordinance of Willistown Township, § 139-6 (“Definitions”), is hereby amended by inserting a new definition of the term “AGRICULTURAL COMMODITY” as follows:

AGRICULTURAL COMMODITY

Any of the following transported or intended to be transported in commerce:

- (1) Agricultural, aquacultural, horticultural, floricultural, viticultural, or dairy products.
- (2) Livestock and the products of livestock.
- (3) Ranch-raised fur-bearing animals and the products of ranch-raised fur-bearing animals.
- (4) The products of poultry or bee raising.

- (5) Forestry and forestry products.
- (6) Any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

Section 3. The Zoning Ordinance of Willistown Township, § 139-12 (“Use regulations”), is hereby amended by deleting the text of Subsection 139-12.D. in its entirety, and replacing the same with the following text:

- D. Agriculture, provided that any building used for the keeping of livestock, poultry and horses shall be located not less than 100 feet from any street line and not less than 50 feet from any other property line.

Section 4. The Zoning Ordinance of Willistown Township, § 139-12 (“Use regulations”), is hereby amended by deleting the text of 139-12.G. (without amendment to its constituent subparagraphs) in its entirety, and replacing the same with the following text:

- G. Notwithstanding the limitations set forth above, permitting one principal use only on each lot, accessory uses are also permitted on the same lot with the principal use, provided that such accessory use is on the same lot with the permitted principal use and is customarily incidental to the principal use on said lot, which principal use shall be any one of the uses permitted in Subsections A through F above, inclusive. Except for the following, an accessory use shall not include a business:

Section 5. The Zoning Ordinance of Willistown Township, § 139-12 (“Use regulations”), is hereby amended by deleting Subsection 139-12.G.(4) in its entirety, and replacing the same with the following text:

- (4) Direct commercial sales of agricultural commodities upon property owned and operated by a landowner who produces not less than 50% of the commodities sold. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond the control of the landowner.
 - (a) Any structure used for such sale shall be located not less than 40 feet from any street line;
 - (b) Not more than two signs advertising the sale of such agricultural commodities may be erected and maintained in compliance with the provisions of § 139-110.I; and
 - (c) Any structure used for the direct commercial sale of agricultural commodities shall be removed or kept in good condition during seasons in which agricultural commodities are not being offered for sale.

Section 6. Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

Section 7. Effective Date

This Ordinance shall take effect and be in force five (5) days from enactment.

Section 8. Repealer

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

ENACTED AND ORDAINED this First day of September 2022.

BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP



William R. Shoemaker, Chair



Robert T. Lange, Vice-Chair



Molly H.B. Perrin, Member

ATTEST:



Martin McKenzie, Assistant Secretary