

LAND FOR SALE

GRIM ROAD, KUTZTOWN, PA 19530



PROPERTY HIGHLIGHTS

- 7.18 acres with over 1600 ft of frontage on Rt 222
- Mostly level, ideal for many uses
- Convenient location between Trexlertown and Kutztown
- Asking \$895,000



FOR MORE INFORMATION, CONTACT:

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MAXATAWNY TOWNSHIP



Maxatawny Township Zoning Ordinance of 2012

Adopted July 30, 2012

ARTICLE IV

DISTRICT REGULATIONS

Section 400

AP and AP1- AGRICULTURAL PRESERVATION DISTRICT

400.1 Purpose Statement.

The agriculture in Maxatawny Township is a unique non-replaceable natural resource, which needs to be recognized by the community and preserved for the benefit of the residents of the municipality. This proposition of preservation of agricultural farmlands and open space is founded upon the following policy considerations:

- (a) The agricultural farmlands and open space within Maxatawny Township is a valuable natural resource, which is valuable for the health, safety and welfare of the Township residents;
- (b) The soils, topography and historical experience of Maxatawny Township have established Maxatawny Township as a producer of agricultural goods and products;
- (c) The aesthetic value of the agricultural district within Maxatawny Township is of special significance to the residents of Maxatawny Township and its surrounding municipalities;
- (d) The present character of the agricultural district of Maxatawny Township mandates that it be recognized as an economic resource, necessary of preservation

400.1.1 In the interest of public health, safety and welfare, the AP zoning district is further designed and intended to accomplish the following:

- (a) To protect and preserve the agricultural base in the areas of productive soils which is a major component of the economy of the Township.
- (b) To permit only those land uses and activities, which are agriculture related and advance agricultural purposes.
- (c) To encourage the preservation of the prime productive farmland within the Township.
- (d) To prevent adverse effects which may result from the encroachment and commingling of residential and other incompatible development and land uses with agricultural uses.

400.2 Permitted Uses.

Only the following uses are permitted by right in the AP District and AP1 District, provided

that the requirements for specific uses and Section 400.12 are met:

- (a) Agricultural, animal husbandry, horticultural, and forestry uses, including, but not limited to, crop production, dairy, beef, swine, poultry, orchards, forest, flowers, fruit, bees, fish, sod production, or similar type uses.
- (b) Processing of farm products, where such use is designed to be accessory to the raising or growing of such products and is located on the same property on which the products are raised or grown, so long as the basic purpose and design of such use is intended for the processing of products raised or grown on the premises, however, the processing of such products from other local area farms shall also be permitted.
- (c) Forestry and Forest Reserves, Woodland and/or Game Preserve, Fish and Wildlife Refuges, and similar Conservation Uses.
- (d) Single one-family dwellings - detached buildings, per Sections 400.6 and 400.11 of this Ordinance.
- (e) Tourist, Bed and Breakfast and/or Country Inn subject to Section 515 of this Ordinance.
- (f) Farm Occupation subject to Section 502.2 of this Ordinance.
- (g) Farm Market and/or Farm Produce Stand subject to Section 536 of this Ordinance.
- (h) Fire Observation Tower.
- (i) Home Occupation subject to Section 502 of this Ordinance.
- (j) Commercial Livestock Hauling Operation subject to Section 542 of this Ordinance.
- (k) Municipal Use.
- (m) Farm Storage (Back-Behind) subject to Section 400.3 and 502 of this Ordinance.
- (n) No Impact Home-Based Business subject to Section 527 of this Ordinance.

400.3

Permitted Accessory Use - Any accessory use customarily carried on in conjunction with farming and rural life, located on the same lot with the permitted use, or incidental to any dwelling or other main use permitted above, such as:

- (a) Signs pursuant to Section 507.

- (b) Accessory Farm Dwelling subject to Section 530 of this Ordinance.
- (c) Temporary Farm Employee Housing subject to Section 590 of this Ordinance.

400.4 Uses Permitted Only By Special Exception Issued By The Zoning Hearing Board.

- (a) Churches or similar places of worship, Parish Houses, Convents, and other Housing for Religious Personnel subject to Section 539 of this Ordinance.
- (b) Cemeteries subject to Section 539 of this Ordinance.
- (c) Aquaculture subject to Section 537 of this Ordinance.
- (d) Agricultural industry per Section 522 and all structures associated with agricultural industries activity shall not be located closer than three hundred (300) feet from any existing dwelling unit, except on the home premises.
- (e) Farm Equipment Sales and Service subject to Section 553 of this Ordinance.
- (f) Processing of Farm Products subject to Section 577 of this Ordinance.
- (g) Riding Stable, Equestrian Facility, Riding Club and/or Riding School subject to Section 582 of this Ordinance.
- (h) Sawmill subject to Section 599-A of this Ordinance.
- (i) Septage and/or Mushroom Processing Facility subject to Section 585 of this Ordinance.
- (j) Public and Non-profit Outdoor Recreation Areas and Facilities, such as Parks (except Amusement Parks and Clubs), Playgrounds, and Picnic Grounds subject to Section 512 of this Ordinance.
- (k) Elder Cottage Housing (ECH) Units subject to Section 551 of this Ordinance.
- (l) Wind Farm subject to Article X of this Ordinance.
- (m) Wind Energy Conservation System generating equal to or more than 10 kW subject to Article X of this Ordinance.

400.5 Conditional Uses: After recommendation by the Planning Commission and public hearing by the governing body, the governing body may by conditional use, permit the following conditional uses in accordance with the provisions of Article IX of this Ordinance. Conditional uses shall be subject to the requirements specified below and elsewhere in this Ordinance.

- (a) Farm Related Business subject to Section 554 and 522 of this Ordinance.
- (b) Intensive Agriculture subject to Section 513 of this Ordinance.
- (c) Family Day Care Center subject to Section 548 of this Ordinance.
- (d) Fire Station and/or Emergency Services Station subject to Section 570 of this Ordinance.
- (e) Government buildings. Federal, State or other municipal government bodies not defined as a Municipal Use Building pursuant to this Ordinance subject to Section 570.
- (f) Personal Agricultural Warehousing.
- (g) Retail sales of Nursery and Garden Materials subject to Section 580 of this Ordinance.
- (h) Furniture and/or Upholstery Refinishing Shop.
- (i) Kennel subject to Section 525 of this Ordinance.
- (j) Welding/Machine Shop.
- (k) Wind Energy Conservation System generating less than 10 kW subject to Article X of this Ordinance.

400.6 Lot Size. (Pursuant to Section 400.10)

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) Farm - 10 acres minimum
- (b) One family dwelling - 1 acre minimum/maximum
- (c) Other uses - 2 acre minimum

400.7 Minimum Lot Width.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective

criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum lot size and width requirements for uses within this Zoning District.

- (a) One family dwelling - 100 feet minimum
- (b) Other uses - 200 feet

400.8 Yard Dimensions.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum yard dimension requirements for uses within this Zoning District.

- (a) Front yard - 40 feet
- (b) Side yard (each) - 20 feet
- (c) Rear yard - 40 feet

400.9 Maximum Building Coverage And Height.

Unless as otherwise set forth in Article V of this chapter which sets forth specific objective criteria for certain uses or is otherwise established in this Ordinance, the following shall constitute the minimum building coverage and height requirements for uses within this Zoning District.

- (a) No height limitation for agricultural buildings or structures.
- (b) A maximum height of 35 feet for non-agricultural buildings or structures.
- (c) Maximum Building Coverage (all structures) - 10%
- (d) Maximum Impervious Coverage - 20%

400.10 Requirements For Subdivision Of A Tract.

- (a) Subdivision of land shall be permitted only:
 - (1) When necessary to permit the location of a lot for use pursuant to this Ordinance.
 - (2) Except as permitted for single-family dwelling purposes, pursuant to this Section of the Ordinance, or for Permitted and Special Exception Uses established in Section 400.2, 400.4 and 400.5 of this Ordinance, subdivision of land within the AP and AP1 Districts

shall be limited to the division of land for agricultural purposes of parcels of ten (10) or more acres or to the creation of a parcel less than ten (10) acres for the purpose of transferring the parcel to an adjacent farm, provided, however, that at least ten (10) acres shall be maintained in the original tract.

- (3) To permit a tract of land leased in the AP Zoning District as of January 1, 1996 to be subdivided from the remaining tract not leased as of that date and conveyed to the lessee.
 - (4) To permit a tract of land leased in the AP1 Zoning District as of July 1, 2012 to be subdivided from the remaining tract not leased as of the that date and conveyed to the lessee.
- (b) A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling rights his tract may have.
 - (c) All plans submitted to subdivide land in the Agricultural Preservation District shall contain the following language in conspicuous form:

"Agricultural Nuisance Disclaimer" - All lands within the Agricultural District are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept these conditions (such inconveniences, discomfort and possibility of injury from normal agricultural operations), and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operation.

400.11 Single-Family Development.

In the AP Zoning District and AP1 Zoning District, single-family development shall be subject to the following limitations:

- (a) The provisions of this section shall apply to all tracts of land in existence and as determined as of the effective date of this Ordinance as stated in 400.10(a)(3) and (4). Subsequent changes in ownership of any tract shall not otherwise extend or modify the limitations on single-family development as herein provided:

(1) There shall be permitted the following number of single-family dwellings as designated upon the size of the subject tract of land:

- A. Existing tracts less than ten (10) acres in size, shall be permitted a maximum of two (2) additional subdivided lots; provided all area and dimensional requirements are satisfied, as well as all other regulatory provisions of this Ordinance.
- B. Existing tracts in excess of ten (10) acres shall permit subdivision, provided that for each residential lot to be subdivided, there shall be set aside five (5) contiguous acres for non-developmental purposes by means of a conservation easement in perpetuity. All area, dimensional and other subdivision and zoning regulatory provisions must be satisfied.
- C. Regardless of lot size, once a new lot has been created, resubdivision of the newly created lot is not allowed.
- D. A Township Committee will be established under separate ordinance to review, recommend, record and keep track of all conservation easements.

(2) Soil Classification. New single-family detached dwellings shall only be located on soils other than soils identified as Soil Capability Units I and II by the Soil Conservation Service in the Soil Survey of Berks County, or on land which cannot feasibly be used for agricultural purposes due to the land characteristics, slope, or size and/or shape of property. Where, in the opinion of the Board of Supervisors, location on soils other than Soil Capability Units I and II is not feasible, the Supervisors shall permit the location of dwellings on such soils. However, the location shall be on the least agriculturally productive land feasible or such other area that would minimize interference with agricultural production.

(3) Any person who shall claim that the classification of soils on his land is incorrect because the Soil Survey is inaccurate in regard to his property, may appeal the classification to the Board of Supervisors. The burden of proof shall be on the appellant to the Board of Supervisors. The appellant must submit, as part of his appeal before the Supervisors, an analysis prepared by a professional engineer or certified geologist or soil scientist indicating soil types based on field investigation and tests. The Supervisors may, upon review of the submitted report, reclassify the property in

question in accordance with the findings submitted for the purpose of this Ordinance.

- (4) The lot size for all new single-family detached dwellings, as permitted under this section, shall be no greater than one (1) acre. Larger lots may be permitted if the owner can substantiate that increases in the size of the property will not adversely affect the objectives of this Section, or that the physical or soil characteristics require larger lot sizes in order to locate the dwelling, accessory structures, driveway, well, and/or on-site sewage disposal facilities.

- (b) Homestead farming application pursuant to Section 521.

400.12 Requirements Respective To Non-Agricultural Uses Other Than Residential Uses.

- (a) Such uses must be located on the lowest quality agricultural feasible soil, including soils group III through VIII, so as to minimize the loss of farmland and so as to minimize interference with agricultural production.
- (b) Prior to issuing a permit to allow such use the Zoning Officer must certify that the requirements of subparagraph (a) hereof have been complied with.

400.13 Additional Requirements.

Buffer Yard and Evergreen Screening pursuant to Section 517.

Section 401 A-R - AGRICULTURAL - RESIDENTIAL

Purpose Statement: This Area represents a mixture of residential uses, agricultural uses, conservation uses which complement the existing agricultural character of the District. Low densities of development would be expected due to soil conditions and surrounding agricultural uses.

401.1 Permitted Uses

- (a) The following Commercial Agriculture Operations, including crop farming and animal husbandry, and accessory uses thereto, but excluding intensive farming, provided that there shall be no stable or similar animal housing or the storage of manure or other odor or dust-producing substance or use, except spraying and dusting to protect vegetation, within 100 feet of any lot or street line, unless permitted at a lesser distance by special exception.
 - (1) The raising of field and garden crops, vineyard and orchard