Agritourism in Pennsylvania: A Regulatory Guide

From corn mazes to wedding barns, agritourism activities is an increasingly popular business opportunity for farmers. In fact, revenue from farm agritourism more than tripled between 2002 and 2017.

For many farmers, the draw of embarking on agritourism involves adding much-needed income to challenging profit margins (farmers and ranchers receive only 14.6 cents of every dollar that consumers spend on food). Off-farm costs, including marketing, processing, wholesaling, distribution and retailing, account for more than 80 cents of every food dollar spent in the United States (2018 Census of Agriculture, United States Department of Agriculture).

Agritourism activities tend to look and sound different than traditional agricultural production activities, which in turn can raise questions and concerns from neighbors and community members. Such concerns can include items such as traffic, parking, access, noise, safety, hours of operation, lighting, noise and litter.

As with any commercial activity, there are various governmental regulations and related permitting that must be considered for agritourism activities and any related structures. These regulations are put in place to ensure the safety and welfare of those participating in the activities as well as those of the surrounding community and general public.

Regulating land use and development can be challenging for local officials. This is especially true as traditional uses, such as agriculture, change their practices in adaptation to market conditions and opportunities. Officials must consider not only the farmers that are impacted by the regulations, but the neighbors and community as well.

Farmers cannot assume that their planned agritourism activities or related structures automatically are in line with local requirements, even if they are in a rural or agricultural area. They need to be aware of the potential need to meet various types of regulations and obtain approvals/permits. These regulations may not permit the proposed use, or may require engineered plans, as well as improvements to the site and structure(s) as applicable. This could include items such as improved access roads and parking areas, stormwater/erosion and sedimentation plans and improvements, restrooms and lighting.

The following is a list of local, county and state regulations that are often applicable to agritourism projects. The application of these regulations will be dependent on the type of project proposed and related site features. Be aware that the degree to which local municipalities have enacted land use regulations varies, so what may be enacted and enforced in one local municipality will not necessarily mirror what is required and enforced in another.

This list of regulations is not meant to be all-inclusive. Depending on the type of agritourism business and the goods and services provided, approval of other agencies can apply. For example, the Pennsylvania Liquor Control Board, and health agency/departments.

The list of potential applicable regulations also provides information on who to contact to find out specific information about the corresponding regulation and if and how it would apply to your proposal. Note that the title and responsibilities of local regulatory officials also may vary, and the list includes those most common. Many local governments have their officials and regulations online.
Considerations for Researching Regulations

If researching the regulations yourself, be sure that you understand their application to your project. While viewing the regulations will help you in determining the potential feasibility and requirements for your project, be careful not to make your own “interpretation” and proceed without getting confirmation from the applicable officials.

When initially giving thought to an agritourism project, you may want to consult with a surveyor, planning consultant, engineer or attorney that is knowledgeable about the local land use and development regulations. This could save you time and they could provide estimated time frames to get the project approved and/or costs.

Regulatory Applications

Zoning

Zoning is a system that regulates the type and intensity of land use development that occurs within a community. It is the division of a municipality into districts or zones in which certain activities are permitted and others are prohibited. The power of zoning for municipalities is authorized under the respective state’s enabling legislation.

Zoning allows a local government to regulate land uses within its territory and set standards for the development of land parcels. Zoning typically establishes separate zoning districts for residential, commercial, industrial, and agricultural uses. Of these district designations, the purposes of agricultural districts can be the most varied. These can range from the protection of agricultural practices and soils to reducing the impact of agricultural activities on other properties. In some cases, agricultural districts serve as a “catch all” and include land uses that would not specifically fit in any other district (e.g., kennels, landfills)

The level at which zoning is enacted and enforced is dependent on the state’s enabling legislation. In Pennsylvania, local municipalities are given this authority through the Pennsylvania Municipalities Planning Code. However, if a local municipality chooses not to enact a zoning ordinance, the county then has the authority to do so if it desires. If neither adopts an ordinance, the municipality is not covered by zoning.

Zoning is administered through a zoning officer. This officer will make a determination in the proposed use is, or is not, permitted. This determination will be based upon the zoning ordinance if effect and the location of the proposed use.

A good first step when considering an agritourism related activity is to check and see if a zoning ordinance is in effect for your municipality (local or county.) If there is, find out if your proposed land use is allowed in the area in which it is being considered.

Contact(s)
• Local Municipality – Zoning Officer
• County – County Zoning/Planning Office

Subdivision and Land Development

Subdivision and land development regulations control the layout and design of subdivisions and certain types of development. Subdivision involves the division of land into parcels, (for transfer or lease) and land development involves the improvement of a lot(s) for a variety of purposes, including a group of two or more residential or nonresidential building, or a single nonresidential building.

In Pennsylvania, there are some exemptions for agriculture in subdivision and land development regulations. Regarding subdivisions, the subdivision by lease of land for agricultural purposes more than 10 acres is exempt from requiring approval (provided the subdivision does not involve any new street, easement of access or any residential dwelling).

In regard to land development, there can be provision for an exemption regarding the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

A Subdivision and Land Development Ordinance is administered by a planning commission or the governing body. As with zoning, local municipalities are given authority for subdivision & land Development regulation through the Pennsylvania Municipalities Planning Code. However, if a local municipality chooses not to enact such an ordinance, the county then has the authority to do so if it desires. If neither adopts an ordinance, the municipality is not covered by subdivision and land development regulation.

Contact(s)
• Local Municipality – Planning Commission, Municipal Secretary
• County – County Planning Office

Building

In Pennsylvania, most building projects require a building permit under the Pennsylvania Uniform Construction Code. There are some exemptions for agricultural buildings, however they are primarily based upon agricultural storage or housing livestock. The local municipality should be contacted to see if any structure for the proposed use will require a building permit.

Contact(s)
• Local Municipality – Building Permit/Code Enforcement Officer, Municipal Secretary
Highway Occupancy

A new access road or an existing access road that will be used for an expanded use may require a permit before accessing a public road. For a state highway, permits and related requirements are processed through The Pennsylvania Department of Transportation (PennDOT) Permit Office.

For local municipal highways, permits would be issues through a locally appointed officer. The applicable individual can be found by contacting your local municipal office.

Contact
- Local Municipality – Building Permit/Zoning Officer, Municipal Secretary
- Penn DOT Highway Occupancy Permit Officers

Signs

On and off premise signs may require a permit from the local municipality. Items such as size, height, illumination and visibility are items that are normally reviewed. For signs that are near state highways, PennDOT permitting may be applicable. Information can be obtained through your Regional PennDOT Office.

Contact(s)
- Local Municipality – Building Permit/Zoning Officer
- PennDOT Regional Offices

Sewage

For certain types and sizes of buildings and activities, sewage disposal will need to be addressed. The specific type of disposal system will depend on the availability of public sewer, type of structure or activity, and local sewage requirements. The applicable information can be found by contacting the sewage enforcement officer.

Contact:
- Local Municipality – Sewage Enforcement Officer

Erosion and Sediment Control

If earth disturbance is part of preparation of an agritourism development or activity, a Chapter 102 Erosion and Sediment Control plan and/or permit may be required. The agency responsible for these permits may vary depending on the county. In some counties, the County Conservation District is delegated for permitting. In other counties, permitting is through the PA Department of Environmental Resources, Waterways and Wetlands Program.

Contact(s)
- County Conservation District – Erosion & Sedimentation Technician
- State - PA Department of Environmental Resources, Waterways and Wetlands Program

Water Obstructions and Encroachments

A Chapter 105 General Permit is required for work done in wetlands or crossing or encroaching upon a stream, river, or other waterway. The agency responsible for these permits may vary depending on the county. In some counties, the County Conservation District is delegated for permitting. In other counties, permitting is through the PA Department of Environmental Resources, Waterways and Wetlands Program.

Contact(s)
- County Conservation District – Erosion & Sedimentation Technician
- State - PA Department of Environmental Resources, Waterways and Wetlands Program

Summary

Agritourism activities can provide farmers with opportunities for new revenue streams. As with any new business venture, planning and research into the regulations and requirements are critical in determining the feasibility of the project. This guide serves as a starting point in conducting that research. Additional requirements may apply based upon the details of the proposed land use and development.

Authors

Peter Wulfhorst, AICP
Extension Educator, Energy, Business & Community Vitality Programs Extension Team
ptw3@psu.edu
570-832-2803

Neal Fogle
Extension Educator, Community & Economic Development
nef3@psu.edu
570-556-4743

extension.psu.edu

Penn State College of Agricultural Sciences research and extension programs are funded in part by Pennsylvania counties, the Commonwealth of Pennsylvania, and the U.S. Department of Agriculture.

Where trade names appear, no discrimination is intended, and no endorsement by Penn State Extension is implied.

This publication is available in alternative media on request.

Penn State is an equal opportunity, affirmative action employer, and is committed to providing employment opportunities to all qualified applicants without regard to race, color, religion, age, sex, sexual orientation, gender identity, national origin, disability, or protected veteran status.

© The Pennsylvania State University 2023
Code: ART-6998