

MOORE TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-

**AN ORDINANCE OF THE BOARD OF SUPERISORS OF MOORE TOWNSHIP,
NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE MOORE
TOWNSHIP ZONING ORDINANCE, NO.2011-1, AS AMENDED FROM TIME TO
TIME, BY ADDING PROVISIONS TO THE ZONING ORDINANCE RELATING TO
AGRITAINMENT AND AGRITOURISM, INCLUDING DEFINITIONS, DISTRICTS
PERMITTED, AND SPECIFIC REQUIREMENTS.**

WHEREAS, the Municipalities Planning Code (MPC) “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 of operator’s need to change or expand their operations in the future in order to remain viable.” 53P.S. 10105; and

WHEREAS, the Municipalities Planning Code (MPC) precludes a municipality from enacting a zoning ordinance that regulates the activities related to commercial agricultural production if it exceeds the requirements under the Right to Farm Act or the Agricultural Area Security Law, 53 P.S. 10603(b), (h); and

WHEREAS, Moore Township engages farmland preservation and has instituted a program to preserve farmland and open space within the Township; and

WHEREAS, the Municipalities Planning Code (MPC) requires that “[z]oning ordinances shall encourage the continuity, development and viability of agricultural operations. Zoning ordinances may not restrict agricultural operations or changes to or expansions of agricultural operations in geographical areas where agriculture has traditionally been present unless the agricultural operation will have a direct adverse effect on the public health and safety. Nothing in this subsection shall require a municipality to adopt a zoning ordinance that violates or exceeds the provisions of the [Nutrient Management Act (NMA), Agricultural Area Security Law (AASL), or the Right to Farm Act (RFL)].” 53 P.S. 10603(h); and

WHEREAS, the Right to Farm Act defines a normal agricultural operation in broad and anticipatory terms to include the “activities practices, equipment and procedures that farmers adopt, use or engage in the production, harvesting and preparation for market of poultry,

livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomical, horticultural, silvicultural and aquacultural crops and commodities” and “includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry.” 3 P.S. 952; and

WHEREAS, the Right to Farm Act mandates that direct commercial sales of agricultural commodities by a landowner who produces not less than 50% of the commodities sold be a permitted by right use and precludes a municipality from regulating normal agricultural operations as a nuisance. 3 P.S. 953(b); and

WHEREAS, the Agricultural Area Security Law precludes a municipality from enacting “ordinances which would unreasonably restrict farm structures or farm practices” 3 P.S. 911; and

WHEREAS, the Pennsylvania Farmland and Forest Land Assessment Act of 1974 allows an owner of agricultural land to engage in direct commercial sales, recreational and agritainment activities on the tract without losing eligibility for the preferential tax program. 72 P.S. 5490.2, .3(f), .8(f); and

WHEREAS, the Pennsylvania General Assembly amended the Liquor Code in 1994 to recognize the “interest of promoting tourism and recreational development in Pennsylvania” through limited winery licenses. 47 P.S. 5-505.2(a) and notes; and

WHEREAS, the Moore Township Board of Supervisors finds that the proposed amendments to the Zoning Ordinance will promote, protect and facilitate the public health, safety and welfare; and

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

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

NOW THEREFORE, IT BE ORDAINED AND ENACTED by the Board of Supervisors of the Township of Moore, County of Northampton, Commonwealth of Pennsylvania, as follows:

SECTION 1. TERMS DEFINED

Agritainment is an accessory use to a single-family dwelling or farming use which may include the rental of an accessory structure for the purposes of weddings, family gatherings, reunions, or other similar events, subject to the additional regulations contained in the Zoning Ordinance.

Agritourism is an accessory use that consists of an enterprise that shall be considered any activity conducted as an accessory to an existing and operational farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm.

SECTION 2. ZONING DISTRICTS

Agritainment shall be permitted as an accessory use, by Special Exception approval in all zoning districts.

Agritourism shall be permitted as an accessory use, by Special Exception approval in all zoning districts.

SECTION 3. ADDITIONAL REQUIREMENTS FOR AGRITAINMENT.

Special Standards:

- A. The use shall be accessory to an owner-occupied residential dwelling or farm, and the use shall be owned and operated by the residential dwelling or farm owner(s).
- B. The use shall require a minimum lot of 10 acres, and no portion of the event including parking, shall take place within 100 feet of the boundaries of the lot.
- C. The event may be conducted in buildings on the residential or farming lot and in the outdoor areas of the lot, and the owner of his/her designated representative shall be present at all times during any event.
- D. The venue shall not host more than 150 persons at one time.
- E. Catered food, drinks (including beer and wine), and related event services may be provided by the owner or by providers retained by the owner. Alcoholic beverages shall not be permitted outside of the venue. All federal, state and local laws and regulations shall be complied with by the owner and any providers in connection with such services.
- F. Parking shall be provided for patrons of the event, and no parking by patrons shall be permitted on any public road. The owner(s) shall ensure that ingress and egress during the event to the venue does not cause congestion of any public road.
- G. Signs for this use are regulated in Article VII entitled "Signs".
- H. The Owner(s) shall be responsible to provide:
 - a. Sanitation (municipal waste and recycling) facilities at the event commensurate with the number of patrons attending;
 - b. Sanitary sewer facilities at the event commensurate with the number of patrons attending;
- I. No public liability or property insurance shall be required by the Township for this use.
- J. The operation of the use shall at all times comply with all federal, state and local laws and regulations.
- K. This use shall be subject to the submission of a site plan for review and approval by Special Exception.

SECTION 4. ADDITIONAL REQUIREMENTS FOR AGRITOURISM

Special Standards:

- A. The use shall require a minimum lot of 10 acres;
- B. The following activities, and activities that the applicant proves are closely similar, shall be permitted as agritourism enterprise:
 - 1) Farmers Markets, providing all vendors and sales are located in an enclosed building;
 - 2) “U’-pick” operations;
 - 3) Dairy, ice cream and bakery retail facilities;
 - 4) Wineries, winery tours and tasting rooms;
 - 5) Local farm products retail operations (including crafts, food products, garden and nursery products, and clothing products made from the wool of animals raised on the farm use, ect.);
 - 6) Corn mazes (with educational/interpretation components);
 - 7) Farm-related interpretive facilities and exhibits;
 - 8) Agriculturally related educational and learning experiences;
 - 9) Agriculturally related special events, agricultural fairs and festivals;
 - 10) On-site farm, garden, greenhouse and nursery tours;
 - 11) Walking and bicycle tour and trails;
 - 12) Horseback/pony rides, petting zoos and other animal exhibits;
- C. The following activities shall be prohibited:
 - 1) Flea markets;
 - 2) Any other use that is not agriculturally related, or is not related to the natural resources that are present on the property, or is deemed not to be incidental to the agricultural operation on the property, or is otherwise deemed to be too intense for the Agricultural Zoning District whereby the intent of the Agricultural Zoning District will not be preserved.
- D. It shall be the responsibility of the applicant and/or landowner to prove compliance with these regulations at the time of the application for a zoning permit.
- E. Agritourism enterprises must be incidental to and directly supportive of the agricultural use of the property and will not have significant impacts on the agricultural viability or rural character of neighboring properties.
- F. An agritourism enterprise shall be conducted by a resident or owner of the property and/or his/her immediate relatives. Up to four unrelated full-time employees may be employed by the owner or immediate relatives. Additional part time employees or volunteers may be permitted for special events, fairs or festivals.
- G. At least 50% of the products for display and sale shall be grown, prepared, or produced on the subject property.
- H. The applicant shall identify the anticipated hours of operation for the agritourism enterprise. In no case shall the agritourism enterprise generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Agritourism enterprises shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m.. This shall not

include commercial retail sale of agricultural products that are regulated under the laws of the Commonwealth.

- I. The parking area shall be designed in accordance with the Moore Township Zoning Ordinance.
- J. All signage advertising the agritourism enterprise shall comply with Moore Township Zoning Ordinance Article VII entitled "Signs".
- K. The reuse of an existing barn or other existing buildings shall be given priority over the construction of new building(s). If a new building is proposed, any land development plan shall be in accordance the regulations of the Moore Township Subdivision and Land Development Ordinance. The total of all building floor areas utilized for an agritourism use after the adoption of this Ordinance shall not exceed 5% of the total lot area. All structures shall be subject to the requirements of the Pennsylvania Uniform Construction Code.
- L. Applicant must provide evidence that sufficient sanitary sewer facilities will be provided in accordance with all application DEP regulations.
- M. Applicant shall provide evidence that all other applicable state and federal permits for operation of an agritourism enterprise have been obtained.
- N. There shall be no outside display, sales, or storage permitted, unless this activity is fully screened with a combination of opaque wood fencing, and dense landscaping. This activity shall be prohibited within 100 feet along all public rights-of-way. This shall not be interpreted to prohibit outside sales or display of products during a permitted special event, agricultural fair or festival.
- O. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance or law of the Commonwealth.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective five (5) calendar days after the date of enactment.

SECTION 6. SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 7. REPEALER

All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same expressly are repealed.

(Signatures appear on the following page.)

ENACTED AND ORDANINED the ____ day of _____, 2023, by the Board of Supervisors of the Township of Moore, Northampton County, Pennsylvania, in a lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS OF
MOORE TOWNSHIP**

BY: _____
Nick Steiner
Secretary

BY: _____
Daniel Piorkowski
Chairman