

ORDINANCE NO. 170

AN ORDINANCE OF UPPER MILFORD TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 126 KNOWN AS "UPPER MILFORD TOWNSHIP ZONING ORDINANCE OF 2010", AS AMENDED, DELETING THE DEFINITION OF AGRICULTURAL BARN, MODIFYING THE DEFINITIONS OF FARM AND FARM-BASED BUSINESS, ADDING DEFINITIONS FOR AGRICULTURAL BUILDINGS, AGRICULTURAL COMMODITIES AND COMMERCIAL STABLE OR RIDING ACADEMY, CHANGING ALL REFERENCES OF AGRICULTURAL PRODUCTS TO AGRICULTURAL COMMODITIES, CHANGING ALL REFERENCES OF AGRICULTURAL BARN TO AGRICULTURAL BUILDING, REDUCING THE MINIMUM LOT AREA FOR A FARM-BASED BUSINESS, CHANGING THE MINIMUM SETBACK REQUIREMENT FOR A FARM-BASED BUSINESS, AND CHANGING THE REQUIREMENTS DEALING WITH MANURE STORAGE

WHEREAS, Upper Milford Township is a Second Class Township located in Lehigh County, Pennsylvania; and

WHEREAS, on March 18, 2010, the Board of Supervisors of Upper Milford Township adopted Ordinance No. 126 known as "Upper Milford Township Zoning Ordinance of 2010", as since amended; and

WHEREAS, the Board of Supervisors of Upper Milford Township are further desirous of amending said Ordinance to more favorably respect the rights of those who engage in normal agricultural operations by linking the Ordinance to various provisions of the Right-to-Farm Act.

NOW, THEREFORE, the Board of Supervisors of Upper Milford Township do hereby amend the Upper Milford Township Zoning Ordinance of 2010, as amended, as follows:

1. The definition of "Agricultural Barn" in Section 202 is deleted.

2. The following definitions are added and/or modified to Section 202:

SECTION 202 TERMS DEFINED.

Agricultural Building. A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

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

- A. Agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products.
- B. Livestock and the products of livestock.
- C. Ranch-based fur-bearing animals and the products of ranch-based fur-bearing animals.
- D. The products of poultry or bee raising.
- E. Forestry or forestry products.
- F. Any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

Commercial Stable or Riding Academy. An agricultural building for the housing of horses where equestrian instruction is offered, horses are kept, bred, trained, and/or exercised.

Farm. A lot used for the raising of agricultural commodities or dairy products and/or the raising of livestock or poultry for commercial purposes. This term may include one dwelling unit, buildings used for

the agricultural activities and the storage of equipment used for the agricultural activities.

3. The following change is made to Section 304.B.1.a.:

Conversion of an Agricultural Building that included more than 500 square feet of floor area prior to 1985 into one dwelling unit***

*** = See definition of Agricultural Building in Section 202 but with the additional condition that it was not originally built with metal exterior walls

4. The accessory use of Retail Sales of Agricultural Products (S. 313) set forth in Sections 304.B.1.e. and 304.B.2.f. are modified to read as follows:

Retail Sales of Agricultural Commodities (S. 313)

5. The Miscellaneous Use set forth in Section 304.B.1.f. of Stable, Non-Household (S. 311; includes horse-riding academy) is modified to read as follows:

Commercial Stable or Riding Academy (S. 311).

6. The Commercial Use set forth in Section 304.B.2.b. of Horse-Riding Academy – See Stable under Miscellaneous Uses is deleted.

7. The Miscellaneous Use set forth in Section 304.B.2.g. of Stable, Non-Household (S. 311; includes horse-riding academy) is Modified to read as follows:

Commercial Stable or Riding Academy (S. 311).

8. Section 311.B.12. is modified, in part, to read as follows:

- b. No new agricultural buildings, animal shelters, stables, or feed yards shall be located closer than 500 feet from all

dwellings except the dwelling of the owner or lessee, or from all Residential District boundaries. New manure storage locations and amounts shall be consistent with the Nutrient Management Act.

- c. No additions to existing agricultural buildings, animal shelters, stables or feed yards shall be located closer than 150 feet from all property lines, Residential District boundaries and dwellings except the dwelling of the owner or lessee. New manure storage locations and amounts shall be consistent with the Nutrient Management Act.

9. Section 312.E.44. is modified, in part, to read as follows:

44. Commercial Stable or Riding Academy

- a. The use shall be conducted on a lot at least 10 acres in size.
- b. No new agricultural buildings, animal shelters, stables, or feed yards shall be located closer than 500 feet from all dwellings except the dwelling of the owner or lessee, or from all Residential District boundaries. New manure storage locations and amounts shall be consistent with the Nutrient Management Act.
- c. No additions to existing agricultural buildings, animal shelters, stables or feed yards shall be located closer than 150 feet from all property lines, Residential District boundaries and dwellings except the dwelling of the owner or lessee. New manure storage locations and amounts shall be consistent with the Nutrient Management Act.

10. The first sentence of Section 313.C.6. is modified to read as follows:

Farm-Based Business. This use may be approved on a lawful existing lot with a minimum lot area of not less than ten (10) contiguous acres in area, or less than ten (10) contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.00.

11. The following sentence is added at the end of Section 313.C.6.a.:

Normal agricultural operations as that term is defined in the Right-to Farm Act are exempt from this definition.

12. The last sentence of Section 313.C.6.b. is modified to read as follows:

In addition, a building that was constructed for agricultural purposes prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.

13. Section 313.C.6.c. is modified to read as follows:

To the maximum extent feasible, a Farm-Related Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Related Business. Any new building constructed for a Farm-Related Based Business and any new parking area for trucks shall be set back equivalent to the underlying zoning district in which the Farm-Based Business is located; however, if animals are housed within a new building, then the setback requirement shall be the greater of the underlying zoning district or the requirements set forth in the Nutrient Management Act.

14. The last sentence of Section 313.C.6.g. is modified to read as follows:

This provision shall not restrict permitted sale of agricultural

commodities.

15. Section 313.C.6.i. is modified, in part, to read as follows:
 - xii. boarding of animals, not including a kennel or a commercial stable or riding academy (which are separate uses).
 - xiv. processing and storage of agricultural commodities.

16. The last sentence of Section 313.C.6.i. is modified to read as follows:

See also Commercial Stable or Riding Academy and Retail Sales of Agricultural Commodities, which are treated as separate uses.

17. Section 313.C.8.h. is modified to read as follows:

The following uses shall not be permitted as a home occupation:
animal hospital, commercial stable or riding academy, kennel,
funeral parlor, retail store or restaurant.

18. Section 313.C.9.e. is modified to read as follows:

No large animals or large fowl shall be housed
within one hundred (100) feet of an adjacent residential
dwelling. Manure storage locations and amounts shall be
consistent with the Nutrient Management Act.

19. The heading of Section 313.C.13. is modified to read as follows:

Retail Sale of Agricultural Commodities.

20. Section 410.A.1. is modified to read as follows:

Two single family detached dwellings may be allowed on the lot if both buildings existed prior to the adoption of this Ordinance, and if one dwelling unit was converted from an agricultural building, spring house or a similar historic building.

21. That portion of Section 603 which currently states: “ Agricultural Sales or Christmas Tree Sign – Advertises the seasonal sale of agricultural products or Christmas trees.” Is modified to read as follows:

Agricultural Sales or Christmas Tree Sign – Advertises the seasonal sale of agricultural commodities or Christmas trees.

22. Except for these amendments, the Upper Milford Township Zoning Ordinance of 2010, as amended, shall remain in full force and effect. All other Township Ordinances or parts thereof that were adopted prior to these Amendments and that are in conflict with these Amendments are hereby repealed.

23. These Amendments shall become effective five (5) days after adoption by the Board of Supervisors of Upper Milford Township.

ORDAINED AND ADOPTED this _____ day of _____ 2023, by the Board of Supervisors of Upper Milford Township.

ATTEST: **BOARD OF SUPERVISORS OF**

UPPER MILFORD TOWNSHIP

Jessie F. Dadd
Secretary

By: Joyce Moore
JOYCE MOORE , CHAIRPERSON

John Zgura
JOHN ZGURA , VICE CHAIRPERSON

Daniel Mohr
DANIEL MOHR, SUPERVISOR

February 3, 2023

Lehigh County Law Department
Lehigh County Government Center
17 S. 7th Street, 4th Floor
Allentown, PA 18101-2400

**RE: *Upper Milford Township
Ordinance No. 170***

Dear Sir/Madam:

Enclosed herewith please find a true and correct copy of Ordinance No. 170, which has been duly adopted by the Board of Supervisors of Upper Milford Township, Lehigh County, Pennsylvania, together with the required Twenty and 00/100 (\$20.00) Dollar recording fee.

Sincerely,

WORTH, MAGEE & FISHER, P.C.
Solicitor, Upper Milford Township



Marc S. Fisher, Esquire
Enclosure

Cc: Jessi O'Donald, *Upper Milford Township* [Via Email]