

305. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

305.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 311, 312 or 313 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
CON Conservation District: <i>See also Open Space Development Option in Section 307, which may allow smaller lot sizes, smaller lot widths and density bonuses.</i>	87,120 (2 acres), unless a larger lot area is required by Section 503.	200	50	50	25	10%	15%
AC Agricultural Conservation District: The provisions of Section 306 shall apply.							
R-A Rural Agricultural District: <i>See the option for Open Space Development in Section 307, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i>	87,120 (2 acres), unless a larger lot area is required by Section 503.	175	35	50	25	15%	20%

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
<p>RS-R Residential Suburban Residential District:</p> <p>a) Single family detached dwelling:</p> <p>a1) Without Township-approved central water service and without Township-approved central sewage service</p> <p>a2) With Township-approved central water but without Township-approved central sewage service</p> <p>a3) With Township-approved central sewage service but without central water service</p> <p>a4) With both Township-approved central water <i>and</i> Township-approved central sewage services:</p> <p>b) Twin dwelling, which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided.</p> <p>c) Other allowed principal use</p> <p><i>See the option for Open Space Development in Section 307, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i></p>	<p>a1) 43,560 (1 acre)</p> <p>a2) 39,000</p> <p>a3) 27,000</p> <p>a4) 12,000</p> <p>b) 7,000 per dwelling unit</p> <p>c) 43,560 (1 acre)</p>	<p>a1) 120</p> <p>a2) 120</p> <p>a3) 120</p> <p>a4) 70</p> <p>b) 60 per dwelling unit</p> <p>c) 120</p>	<p>a) through c): 30</p>	<p>a1): 50</p> <p>a2): 50</p> <p>a3): 25</p> <p>a4) 25</p> <p>b): 25</p> <p>c): 50.</p>	<p>a1): 15</p> <p>a2): 15</p> <p>a3): 10</p> <p>a4) 10</p> <p>b) 10.</p> <p>c) 15</p>	<p>a1): 20</p> <p>a2): 20</p> <p>a3) 30</p> <p>a4) 30</p> <p>b) 30</p> <p>c) 20</p>	<p>a1 and a2) 40%</p> <p>a3) 50%</p> <p>a4) 50%</p> <p>b) 50%</p> <p>c) 50%</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
<p>S-R Suburban Residential District:</p> <p>a) Single family detached dwellings:</p> <p>a1) Without Township-approved central water service and without Township-approved central sewage services</p> <p>a2) With Township-approved central water but not Township-approved central sewage services.</p> <p>a3) With Township-approved central sewage service but without central water service</p> <p>a4) With both Township-approved central water <i>and</i> Township-approved central sewage services.</p> <p>b) The following housing types, each of which shall require Township-approved central water <i>and</i> Township-approved central sewage services:</p> <p>b1) Twin dwelling unit</p> <p>b2) Townhouse</p> <p>b3) Apartments (<i>including Two Family Detached Dwellings</i>)</p> <p>c) Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section.</p> <p>d) Other allowed principal use.</p>	<p>a1) 43,560</p> <p>a2) 39,000</p> <p>a3) 27,000</p> <p>a4) 7,500</p> <p>b1) 6,000</p> <p>b2): Minimum average lot area of 7,000 per dwelling unit (Note C).</p> <p>b3) Minimum average lot area of 6,500 per dwelling unit (Note C).</p> <p>d) 40,000</p>	<p>a1) 150</p> <p>a2) 150</p> <p>a3) 150</p> <p>a4) 75</p> <p>b1) 35 per dwelling unit</p> <p>b2) 20 per interior dwelling unit, and 40 for each end unit (Note B)</p> <p>b3) 120</p> <p>d) 100</p>	<p>a) through d): 25</p>	<p>a) through d): 25</p>	<p>a1) 15</p> <p>a2) 15</p> <p>a3) 10</p> <p>a4) 10</p> <p>.</p> <p>b) 10, except 0 at the shared lot line of lawfully attached dwellings.</p> <p>d) 15</p>	<p>a1) 20%</p> <p>a2) 20%</p> <p>a3) 30%</p> <p>a4) 30%</p> <p>b) 40%</p> <p>d): 30%</p>	<p>a1) 40%</p> <p>a2) 40%</p> <p>a3) 50%</p> <p>a4) 50%</p> <p>b) 50%</p> <p>d): 50%</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
<p>VC Village Commercial and VR Village Residential District:</p> <p>a) Single family detached dwelling:</p> <p>a1) Without Township-approved central water service and without Township-approved central sewage service</p> <p>a2) With Township-approved central water but without Township-approved central sewage service</p> <p>a3) With Township-approved central sewage service but without central water service</p> <p>a4) With both Township-approved central water <i>and</i> Township-approved central sewage services:</p> <p>b) Twin dwelling, which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided.</p> <p>c) Other allowed principal use</p>	<p>a1) 43,560 (1 acre)</p> <p>a2) 39,000</p> <p>a3) 27,000</p> <p>a4) 9,000</p> <p>b) 7,000 per dwelling unit</p> <p>c) 43,560 (1 acre)</p>	<p>a1) 120</p> <p>a2) 120</p> <p>a3) 120</p> <p>a4) 60</p> <p>b) 50 per dwelling unit</p> <p>c) 120</p>	<p>a) through c): 20</p>	<p>a) through c): 20</p>	<p>a) through c): 5</p>	<p>a) through c): 40%</p>	<p>a) through c): 60%</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
C Commercial District: Allowed use	40,000, except 10,000 if a lot is served by both central water and central sewage services	150, except 80 for a lot that will not have its own vehicle access directly onto Route 29 or Route 100 and that will have central water and central sewage services.	50	40 (Note A)	20 (Note A)	25%, except 35% for a lot that is served by both central water and central sewage services	40%, except 75% for a lot that is served by both central water and central sewage services
I Industrial District: Allowed use.	40,000	120	50	50 (Note A)	15 (Note A)	30%	50%

Section 305.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 403.B.1.

- ** = The following exceptions shall apply:
- For accessory structures and uses, see Section 305.C. below.
 - Structures shall not obstruct minimum sight clearance at intersections.
 - See Section 403.B. pertaining to Corner Lots.
 - See Section 407 regarding extension of nonconforming setbacks.
- (Note A) = Except 40 feet side and 50 feet rear for a principal business use from a directly abutting principal residential lot in a residential district. A side or rear yard shall be increased to 100 feet for any new or expanded portion of an industrial building or tractor-trailer truck loading dock from the lot line of a primarily residential use in a residential district.
- (Note B) = Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.
- (Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets, or parking courts are used.
- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
 - The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space, and stormwater detention basins.
 - Land areas of a golf course (not including areas covered by buildings or paving) may be counted towards the overall tract size for the purposes of calculating density if the golf course includes more than 20 acres of land (which may include abutting land in another municipality), and if all areas used to count towards the density are preserved by a permanent conservation easement that is enforceable by Upper Milford Township.
- (Note D) = Setbacks shall be measured from the future / ultimate right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof.
- (Note E) = See natural feature regulations, including Section 503 for steep slopes. The minimum lot area is per dwelling unit unless otherwise stated.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

305.B. Height. Except as provided in Section 402, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. any structure that is accessory to a dwelling and that does not meet the setbacks for a principal building shall have a maximum of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, and
2. the maximum height for any other structure shall be 3 stories or 40 feet, whichever is more restrictive.

305.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 305.A., unless otherwise provided for in this Ordinance, including this Section 305.C.
2. The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the CON or R-A districts and 5 feet in other districts, except in the following cases:
 - a. The minimum rear setback shall be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - b. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which 2 dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - c. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - d. See Section 313 for “noncommercial swimming pools.”
 - e. If any accessory building or pool is constructed adjacent to a street (such as a rear yard on a lot that is adjacent to a street along the front lot line and another street along the rear lot line), then the building or pool shall be separated from such street by a buffer yard meeting Section 403.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

306. **ADDITIONAL REQUIREMENTS WITHIN THE AC AGRICULTURAL CONSERVATION DISTRICT.**

A. Lot Area and Lot Width.

1. Minimum lot area - 50,000 square feet, except 10 acres for any lot that is beyond the number of lots allowed under subsection E. below.
2. Maximum lot area - For a single-family detached dwelling that is not on a principal agricultural lot - 2 acres maximum lot area. The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the lot: 1) does not include more than 2 acres of Class I, II and/or III soils, as identified in official Federal soils mapping or a more accurate professional study, or 2) where additional lot area is needed to improve septic or water supply facilities for the lot, in the determination of the Sewage Enforcement Officer.
 - a. The largest amount of Class I, II and III agricultural soils that is feasible shall be included on one principal agricultural lot.
3. Minimum lot width - 150 feet.

B. Minimum yards for principal and accessory buildings, except for Animal Husbandry the regulations provided in Section 311 for such use shall apply.

1. Front - 35 feet.
2. Each of 2 sides - 15 feet.
3. Rear - 30 feet.
4. A smaller setback may be allowed for accessory buildings under Section 313.C.
5. The minimum lot width may be met at the proposed principal building setback line instead of the minimum building setback line if the applicant proves that such modification would result in a greater amount of preservation of agricultural land than would otherwise occur. This may allow a minimum 20 feet wide extension of a lot including a driveway between the bulk of the lot and a street. This provision applies in place of the limitations on flag lots in the Subdivision and Land Development Ordinance.

C. Maximum impervious coverage - 15 percent.

D. Maximum height - 3 stories or 40 feet, whichever is more restrictive. No maximum height shall apply to agricultural structures.

E. Limitations on Subdivision and Land Development in the AC District.

1. To preserve agricultural tracts, the AC District regulations limit the subdivision of lots from farms and establishes a maximum lot size to allow the retention of tracts of sufficient size to be productive for agriculture. This Section is based upon Section 604(3) and other provisions of the Pennsylvania Municipalities Planning Code.
2. Each tract existing on January 1, 2009 shall be permitted to subdivide new lots from the tract or establish new principal uses on the tract based upon the lot area of the tract as it existed on January 1, 2009, as follows:

Lot Area At Least	(Acres) Less Than	Number of Total Lots Of Less than 15 Acres Which May Result (including the existing/remainder lot):
2.6	10	2
10	20	3
20	30	4
30	40	5
40	50	6
50	60	7
70		8, plus 1 lot for every 10 acres over 80 acres.

3. The condition of the tract on January 1, 2009, or on the date on which the tract was first zoned AC District, shall be the basis from which the maximum development set forth in this subsection E. above shall be calculated.
4. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as provided in Section 306.A.2.

5. A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the tract from which the land is taken and the tract to which the land is added will be 20 acres or greater after such subdivision, shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 306.E.2.
6. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, or that is deed restricted or restricted by a conservation easement so that the lot can never be used for a principal use shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Section 306.E.2.. above. For example, if a lot is created solely for the purposes of stormwater management or a water supply well, it shall not be limited by Section 306.E.2.
7. Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of a parent tract shall specify which lot or lots shall carry with it a right of further subdivision or establishment of principal uses, if any such right remains from the quota allocated to the parent tract on January 1, 2009, or on the date when such land was first included within the AC District. The right of further subdivision or establishment of principal uses shall also be included in the deed for the newly-created lot. If the designation of the right of further subdivision or establishment of principal uses was not included on a subdivision or land development plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or establishment of principal uses.
8. In the event that a tract which was not classified as part of the AC District on January 1, 2009, or was thereafter classified as part of the AC District, the size and ownership of the tract and the development existing on the tract on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided from, or the number of principal uses which may be established on such tract.
9. The number of lots which may be created or principal uses which may be established shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision or land which was formerly part of a parent tract shall be bound by the actions of his predecessor.
10. In submitting an application for a subdivision/land development for a dwelling unit within the AC District, the applicant shall demonstrate that measures have been used to:
 - a. Minimize the loss of valuable farmland;
 - b. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
 - c. Minimize the length of property lines shared by all residential lots and adjoining farms;
 - d. Assure adequate vehicular access to future residences not currently proposed;
 - e. Assure that the proposed plan can comply with the Township's Subdivision and Land Development Ordinance.
11. Agricultural Nuisance Disclaimer - The following notice, or similar text pre-approved by the Township, is required to be placed on every deed of any new lot that is created within the AC District, and such notice shall be disclosed to any buyer of such a lot prior to sale:

"Lands within the AC District are in an area where the Township has given priority to 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 such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Pennsylvania "Right to Farm Law" and/or Agricultural Security Area designation may bar them from obtaining a legal judgment against such normal agricultural operations."