

Upper Milford Township Zoning Ordinance

Lehigh County, Pennsylvania

As Adopted by the Upper Milford Township Board of Supervisors
on March 18, 2010

This Ordinance was prepared under the
direction of the Upper Milford Township Board of Supervisors,
Planning Commission and Staff.

Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

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2009–2010**

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CONTENTS

	<u>Page</u>
Title, Severability, Enactment	6 & 7
1. Title	6 & 7
2. Short Title	6 & 7
3. Severability	6 & 7
4. Procedural Defects in Enactment.....	6 & 7
5. Repealer	6 & 7
6. Enactment	6 & 7
Article 1 Administration	1-1
101. Applicability of This Ordinance	1-1
102. Purposes and Community Development Objectives.....	1-1
103. Permits and Certificates	1-1
104. General Procedure for Permits.....	1-7
105. Interpretation and Uses Not Regulated.....	1-7
106. Enforcement, Violations And Penalties.....	1-8
107. Fees	1-9
108. Amendments to This Ordinance	1-9
109. Curative Amendments	1-9
110. Zoning Officer	1-9
111. Zoning Hearing Board Actions And Variances	1-10
112. Zoning Hearing Board Hearings And Decisions	1-13
113. Appeals to Court	1-14
114. Limited Public Utility Exemptions	1-14
115. Township and Municipal Authority Exemption	1-15
116. Special Exception Use Process	1-15
117. Liability.....	1-16
Article 2 Definitions	2-1
201. General Interpretation	2-1
202. Terms Defined	2-1
Article 3 Districts, Permitted Uses And Yard Requirements	3-1
301. Establishment of Zoning Districts and Purposes	3-1
302. Application of District Regulations	3-2
303. Zoning Map and Rules for Interpreting District Boundaries	3-3
304. Table of Allowed Uses in Each Zoning District.....	3-5

	<u>Page</u>	
305.	Dimensional Requirements in Each District.....	3-21
306.	Additional Requirements within the AC Agricultural Conservation District.....	3-27
307.	Open Space Development Option.....	3-30
308.	Age Restricted Residential Development.....	3-38
309.	Historic Buildings.....	3-38
310.	Reserved.....	3-41
311.	Additional Requirements for Certain Permitted by Right Uses.....	3-41
312.	Special Exception Uses.....	3-48
313.	Accessory Uses.....	3-64
Article 4	General Regulations	4-1
401.	Frontage Onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings.....	4-1
402.	Height Exceptions.....	4-2
403.	Special Lot And Yard Requirements, Sight Distance and Buffer Yards.....	4-2
404.	Landscaping.....	4-5
405.	Future Right-of-Way Widths for Roads.....	4-7
406.	Frontage Development Along Arterial and Collector Streets.....	4-8
407.	Nonconformities.....	4-9
408.	Site Design Guidelines.....	4-12
409.	Dumpster Screening and Location.....	4-12
410.	Two Dwellings On A Lot.....	4-13
Article 5	Environmentally Sensitive Areas	5-1
501.	Environmental Preservation Required.....	5-1
502.	Nuisances Prohibited.....	5-1
503.	Steep Slopes.....	5-1
504.	Areas with Hydric Soils and High Water Table Soils.....	5-2
505.	Development Along Streams and Wetlands.....	5-4
506.	Alluvial Soils Areas.....	5-4
507.	Floodplain Regulations.....	5-5
508.	Filling, Excavation and Grading.....	5-5
509.	Outdoor Storage Control.....	5-5
510.	Sewage Waste Treatment and Disposal Control.....	5-6
511.	Noise Control.....	5-6
512.	Vibration Control.....	5-6
513.	Dust and Odor Control.....	5-7
514.	Control of Light and Glare.....	5-7
515.	Tree Conservation.....	5-8

Article 6 Signs6-1

601. Purposes and Applicability6-1

602. Sign Definitions6-1

603. Miscellaneous Signs Not Requiring Permits6-3

604. Freestanding, Wall And Window Signs.....6-7

605. Prohibited Signs6-8

606. Off-premise Signs (Including Billboards)6-9

607. General Design, Location and Construction of Signs.....6-10

608. Vehicles Functioning as Signs6-11

609. Abandoned or Outdated Signs6-11

610. Measurement of Signs.....6-11

611. Illumination of Signs.....6-11

612. Major Residential Development Signs6-11

Article 7 Off-Street Parking And Loading.....7-1

701. Required Number of Off-Street Parking Spaces.....7-1

702. General Regulations for Off-street Parking7-5

703. Design Standards for Off-street Parking.....7-7

704. Off-street Loading.....7-10

705. Fire Lanes and Access7-10

Index

Road Classification

Zoning MapInsert at End

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UPPER MILFORD TOWNSHIP ZONING ORDINANCE

TITLE; ENACTMENT; SEVERABILITY

Ordinance No. 126

1. **TITLE.** A New Ordinance: a) dividing the Township of Upper Milford, Lehigh County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Upper Milford Township Zoning Ordinance" of 2010.
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly Stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Upper Milford Township Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Upper Milford Township.
4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in Pennsylvania law.
5. **REPEALER.** The pre-existing Upper Milford Township Zoning Ordinance, as amended are hereby repealed, in addition to the repeal of any other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Upper Milford Township hereby enacts and ordains into an Ordinance the attached document this date of March 18, 2010. This Ordinance shall become effective in 5 calendar days.

Date of Board of Supervisors Public Hearing:

March 4th, 2010

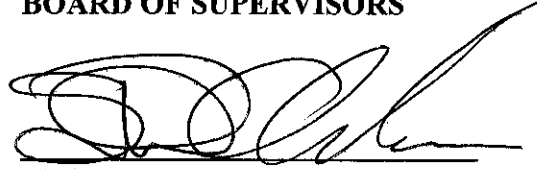
Date Board of Supervisors Adopted Ordinance:

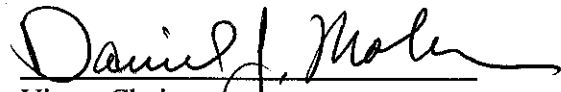
March 18th, 2010

ATTEST:

**UPPER MILFORD TOWNSHIP
BOARD OF SUPERVISORS**


Township Secretary


Chairman


Vice - Chairman


Supervisor

ARTICLE 1 ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout the Township of Upper Milford. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.
102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:
- A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
 - B. in accordance with goals and objectives of the Southwestern Lehigh County Comprehensive Plan, which are hereby included by reference,
 - C. to carry out the following major objectives:
 - 1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
 - 2. to minimize disturbance of creek valleys and steep woodlands,
 - 3. to avoid overextending groundwater supplies, and to encourage groundwater recharge,
 - 4. to protect the quality of groundwater and surface waters,
 - 5. to promote traditional styles of development,
 - 6. to promote compatibility between land uses,
 - 7. to seek coordinated development and roads across municipal borders,
 - 8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
 - 9. to promote development that retains the rural character of the Township,
 - 10. to encourage rehabilitation and avoid demolition of historic buildings,
 - 11. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
 - 12. to coordinate development with future central water and sewage service areas,
 - 13. to direct industrial development to locations that will minimize conflicts with homes,
 - 14. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes,
 - 15. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
 - 16. to promote public health, safety and general welfare.

103. **PERMITS AND CERTIFICATES.**

- A. Applicability.
 - 1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - a. Erection, construction, movement, placement or extension of a structure, building or sign,
 - b. Change of the type of use or expansion of the use of a structure or area of land,

- c. Creation of a lot or alteration of lot lines, and/or
 - d. Creation of a new use.
2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Township Staff.
- a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - 1) Erection, construction, movement, placement, relocation or expansion of a structure, building or sign;
 - 2) Change of the type of use or expansion of the use of a structure or area of land;
 - 3) Creation of a new use;
 - 4) Demolition of a building, or partial demolition of the exterior of a building;
 - 5) Site Alterations or Mineral Extraction as defined by Section 202;
 - 6) Excavation or Grading in preparation for the construction of a building or a change in use of a property; and/or
 - 7) Construction or Installation of any animal waste impoundment, lake, pond, dam or other water retention basin.
 - b. The Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize single or separate applications for the permits.
3. Certificate of Use.
- a. It shall be unlawful to use and/or occupy any new principal non-residential building or establish any new principal non-residential use until a Certificate of Use for such building or use has been issued by the Township Staff. (Note - A Certificate of Occupancy may also be required in additional situations under the Construction Codes, and the Township may at its option combine a Certificate of Use with a Certificate of Occupancy.)
 - b. The Zoning Officer may require that the issuance of the Certificate of Use be delayed if the Zoning Officer believes that the activity, structure or use is not in compliance with this Ordinance and associated zoning approvals, until such time as compliance is achieved.
 - c. Upon the request of an applicant, the Zoning Officer may in writing allow a temporary occupancy or activity to occur before all zoning requirements have been met where the following conditions are met:
 - 1) The applicant shall prove to the Township that the activity or occupancy can occur safely without endangering public health or safety.
 - 2) The temporary approval shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
 - 3) Failure to receive a permanent Certificate of Use within such time period shall be a violation of this Ordinance.
 - 4) The temporary approval may be conditioned upon compliance with certain specific requirements within certain time periods.
 - 5) See Section 103.G.

B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any Township Building Code may be needed for such work.)

C. Types of Uses.

1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:
 - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way;
 - c. locations of any watercourses and any 100 year floodplain;
 - d. proposed lot areas, lot widths and other applicable dimensional requirements;
 - e. locations and widths of existing and proposed sidewalks;
 - f. a north arrow and scale; and
 - g. well and primary and alternate septic system locations, if applicable.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot;
 - b. name and address of the applicant, and of the owner of the property if different from the applicant;
 - c. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease,

- to demonstrate that the applicant has the legal right to make the application;
 - d. a current deed for the property;
 - e. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance;
 - f. all other applicable information listed on the official Township application form;
 - g. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation;
 - h. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance; and
 - i. a listing of all special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
- a. the present zoning district and major applicable lot requirements;
 - b. for a non-residential use:
 - 1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - 2) a list of the maximum hours of operation;
 - c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management;
 - d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal;
 - e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling");
 - f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting;
 - g. name and address of person who prepared the site plan;
 - h. signed acknowledgment of the application by the applicant; and
 - i. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

E. Issuance of Permits.

1. At least one copy of each permit application and any other zoning approval shall be retained in Township files.
2. PennDOT Permit. Where necessary for access onto a State road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The State Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
 - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by Pennsylvania law, may appeal decisions under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code. Any such appeal shall occur within the time period established in the Pennsylvania Municipalities Planning Code (as of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:
 - 1) only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;
 - 2) such total events shall be limited to a maximum of 10 total days per calendar year; and

- 3) the applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
 - b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
 - c. In addition, Christmas Tree sales shall be allowed by right in all districts during the months of November and December.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
 3. Temporary Retail Sales. Except as provided for in subsection 103.G.1.a. above, and except for allowed accessory agricultural sales, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - a. The property shall be located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the Township.
 - c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - d. Any signs visible from a public street shall comply with this Ordinance.
 - e. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with Pennsylvania health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
 - f. Any structure shall meet applicable minimum setbacks.
 - g. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.
 - h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

See also regulations on tents and membrane structures in the International Fire Code, which is in effect in Upper Milford Township.

H. Compliance with Township Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be

valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

104. **GENERAL PROCEDURE FOR PERMITS.**

- A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s), or 2) deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. **INTERPRETATION AND USES NOT REGULATED.**

- A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.
- B. Uses Not Specifically Regulated. If a use clearly is not permitted by right or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
 - 1. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,
 - 2. the proposed use would be closely similar in impacts and character to uses permitted in that District, considering the standards in Section 407.F.3.,
 - 3. the use would meet the standards that would apply under Section 116 to a special exception use, and
 - 4. the use is not specifically prohibited in that District.
- C. Interpretation of Ordinance Text and Boundaries.
 - 1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
 - 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
 - 3. See Section 303.
- D. Undefined Terms/ Interpretation of Definitions. See Section 201.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
1. Failure to secure a zoning permit prior to any of the following: a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
 2. Placement of false Statements on or omitting relevant information from an application for a zoning permit;
 3. Undertaking any action in a manner which does not comply with a zoning permit;
 4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval;
 5. Violation of any condition imposed by a decision of the Board of Supervisors in granting any approval under this Ordinance; or
 6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.
- B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the Pennsylvania Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- C. Time Limits. An official enforcement notice shall State the deadline to complete bringing the property into compliance with this Ordinance, and shall that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- D. Enforcement, Penalties and Remedies. The Causes of Action and Enforcement Remedies provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were primarily in Section 617 and 617.2 of such law.)
1. Violations and Penalties. Any person, partnership, corporation or other entity who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's

fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township. Imprisonment is not authorized under this Ordinance.

2. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted, maintained or used or any land is used or activity conducted in violation of this Ordinance or any of the permits issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board, then, in addition to any other remedies provided by law, the Board of Supervisors may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, use or activity or to prevent, in and about such premises, any act, conduct, business or use constituting a violation.

- E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

107. FEES. A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.

108. AMENDMENTS TO THIS ORDINANCE. Within the requirements of the Pennsylvania Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on 1) its own motion, or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

- A. See also the Intermunicipal Agreement to Implement the Southwestern Lehigh County Comprehensive Plan, which may provide that notice be sent to other municipalities.

109. CURATIVE AMENDMENTS. The applicable provisions of the Pennsylvania Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

110. ZONING OFFICER.

- A. Appointment. The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Board of Supervisors may designate other Township Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
 - 1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
 - 2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
 - 3. keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
 - 4. review proposed subdivisions and land developments for compliance with this Ordinance;
 - 5. take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended;
 - 6. maintain available records concerning non-conformities, provided that the Township is not required to document every non-conformity; and
 - 7. serve such other functions as are provided in this Ordinance.

111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

- A. Membership of Board. The Zoning Hearing Board shall consist of 5 residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being 5 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the municipality.
 - 1. Alternate Members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the Pennsylvania Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act.)
 - 2. Expenditures. Within the maximum amount of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Members and alternate members may receive compensation, within limits established by the Board of Supervisors, for the performance of their duties.
- B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.

- C. Organization. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c)) of such Act.)
- D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in Section 111.E.
 2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act.)
 3. Variance.
 - a. The Board shall hear requests for variances filed with the Township Staff in writing.
 - b. Standards. The Board may grant a variance only within the limitations of Pennsylvania law.
(Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
 - iii) Such unnecessary hardship has not been created by the appellant;
 - iv) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - v) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)

- c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
4. Special Exception.
- a. The Board shall hear and decide requests for all special exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
 - b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
- a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
6. The Zoning Hearing Board shall also hear any other matters as set forth in the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.) The Zoning Hearing Board also may hear appeals of other matters if authorized under a separate Township ordinance. (Note - As of the adoption date of this Ordinance, the Zoning Hearing Board also heard appeals of the Property Maintenance Code).
- E. Time Limits for Appeals. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)

F. Stay of Proceedings. The Stay of Proceedings provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)

G. Time Limits on Permits and Approvals.

1. After a variance is approved or other zoning approval (such as special exception approval) is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within 12 months after the issuance of the permits.
 - a. However, if a variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved, with no further time extension.
2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 24 months after permits are issued.
3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed automatically rescinded by the Township.

H. Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

112. **ZONING HEARING BOARD HEARINGS AND DECISIONS.** The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the Pennsylvania Municipalities Planning Code. The notice shall State the time and place of the hearing and the particular nature of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.

3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. In addition, the Township should give notice to the primary owner of record of land: a) within 200 feet of the affected lot or b) that is contiguous to the subject lot. All such notices should be mailed or delivered to the last known address.
 - a. If a matter involves a location within 500 feet from the boundary of another municipality, notice of the hearing should also be provided to the offices of such other municipality.

B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

C. Decision/Findings.

1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the Pennsylvania Municipalities Planning Code.

D. Notice of Decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative at their last known address not later than the time limit established by the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties.)

E. See also Section 908 of the PA. Municipalities Planning Code.

113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

115. **TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.** This Zoning Ordinance shall not apply to uses or structures owned by Upper Milford Township or by a municipal authority created solely by Upper Milford Township for uses and structures that are intended for a public utility, stormwater, public works, recycling, municipal administrative, public recreation or public health and safety purpose.

116. **SPECIAL EXCEPTION USE PROCESS.**

- A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- B. Special Exception Procedure.
1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
 3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
 4. The Township Staff should offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of Pennsylvania law for a decision, regardless of whether the Township Planning Commission has provided comments.
 5. Time Limits. See Section 908 of the Pennsylvania Municipalities Planning Code.
- C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:
1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 2. Compliance with Other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable township, Pennsylvania and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.

3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
5. Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. **LIABILITY**.

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
 - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental.
 - E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
 - F. If a word or term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply to this Ordinance. If a word or term is not defined in either this Ordinance or the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. In such case, in case of a dispute, a standard reference dictionary shall be consulted.
 - G. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
 - H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agricultural Barn. A completely enclosed building with a roof that meets all of the following standards: a) was originally built to house farm animals, farm equipment, farm supplies, or crops; b) was not primarily built to house private motor vehicles; c) has a peaked roof; and d) was not originally built with metal exterior walls.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 10 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Animal Husbandry. The raising and keeping of livestock or poultry beyond the number and type allowed under the "Keeping Animals or Fowl" in Section 313 and beyond what is customarily incidental to a principal "crop farming" use. Animal Husbandry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter from two or more farms.

Animal Husbandry, Intensive.

- A. This term shall mean an Animal Husbandry use involving an average of 2 or more “animal equivalent units” (see definition below) of live weight per acre of livestock or poultry, on an annualized basis.
- B. An Animal Equivalent Unit (AEU) is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the Pennsylvania Nutrient Management Act and accompanying regulations. Note: the provisions of this Zoning Ordinance are based upon acreage of a lot, and not acreage that is available for disposal of wastes. (Note: Two animal equivalent units per acre would be roughly equal to 1.7 dairy cattle, 6.7 swine, 10 sheep, 500 poultry or 400 rabbits per acre.)

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. The definition in the Pennsylvania Municipalities Planning Code, as amended, shall apply.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 311.B.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as

part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 311.B.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 311.B.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 312.E for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 312.E.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. A type of Off-Premises Sign. See Article 6.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 403.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Campground, Recreational Vehicle. A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. Trees that were grown on the premises may be sold. See also Section 103.G.1.c.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Commercial Communications Tower or Antenna. See Wireless Communications Facilities in this Section.

Commercial District. The C and VC Districts.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The Southwestern Lehigh County Comprehensive Plan, as amended.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Conventional Development. Development that is not approved under the Open Space Development provisions of this Ordinance. (Note: This type of development typically does not involve the preservation of significant open space.)

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See "Animal Husbandry."

Curative Amendment. A process provided in the Pennsylvania Municipalities Planning Code that authorizes certain types of challenges to a Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.* See Article 3.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare. See also Child Day Care Facility requirements in the Uniform Construction Code.

Density. The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 401.

- B. Two Family Detached Dwelling (Duplex). A building that includes 2 apartment dwellings and which is not a Twin Dwelling.
- C. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a “Two Family Detached Dwelling.”
- D. Sectional or "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the Township Construction Codes and not the Federal requirements for Manufactured Housing.
- E. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
 - 1. Mobile/Manufactured Home. For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the Federal construction requirements for Manufactured Housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a type of single family detached dwelling that meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation, and e) is not a "Recreation Vehicle." The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above.
- F. Twin Dwelling Unit. One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.
- G. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 4 unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provisions residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Township's intent is to comply with the Federal Fair Housing Act, as amended.

Farm. A lot used for the raising of agricultural 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.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall."

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of this term and related terms in the Township Floodplain Regulations.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development. See "Timber Harvesting."

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Government Facility, Other than Township-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Upper Milford Township or an authority created solely by Upper Milford Township. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."

* *NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.*

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in Title 40, Part 355 of the Code of Federal Regulations, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 6 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements. A Minor Home Occupation shall be a Home Occupation that meets the additional requirements for a Minor Home Occupation. The term Minor Home Occupation includes but is not limited to the term "No-Impact Home Occupation," as defined in the Pennsylvania Municipalities Planning Code. A Major Home Occupation shall be a Home Occupation that does not meet the requirements for a Minor Home Occupation.

Note: In most cases, under Section 304, a Minor Home Occupation is permitted by right, while a Major Home Occupation typically needs special exception approval from the Zoning Hearing Board.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Industrial District. The I zoning district.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot. Impervious surfaces shall be defined as areas covered by buildings, paving or concrete, or other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse lot.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or
- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See the definition of "unlicensed vehicle" and the regulations for such in the Property Maintenance Code.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
 - 1. "Junk." (see definition) covering more than one percent of the lot area.
 - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 311.B.
 - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard. See any Township Property Maintenance Code that regulates unlicensed and inoperable vehicles on lots and the State Vehicle Code for unlicensed vehicles parked on a street.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Keeping of Animals or Fowl" provisions of Section 313 of this Ordinance, and which may also include temporary keeping of other household pets. In addition, in any case, if 6 or more dogs age 6 months or older are kept, it shall be considered a Kennel.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall mean a lot of record according to official County records. If lands are separated by a street, then each side of the street shall be

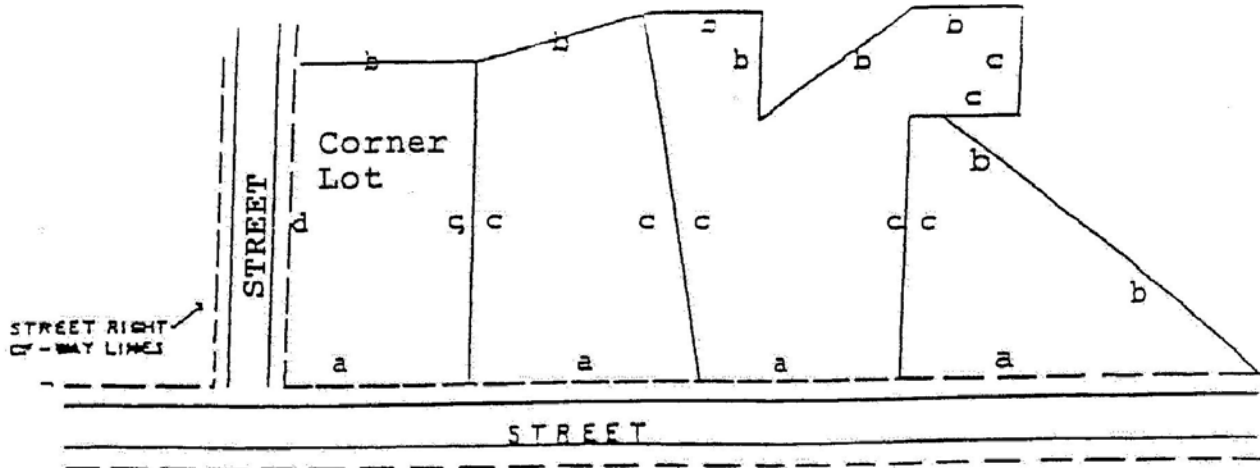
considered a separate lot. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as Open Space Development, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Features required to be excluded from "Lot Area" under Article 3 of this Ordinance.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.



- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 403.B.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See also "After Hours Club" and "Hunting and Fishing Clubs," which are distinct uses.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, as reenacted and amended.

Nightclub. An establishment that offers amplified live music performances or amplified music for dancing after 12 midnight, sells alcoholic beverages primarily for on-site consumption, includes hours open to patrons after 12 midnight, and has a building capacity of over 200 persons.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

Open Space, Preserved or Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the Township and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "preserved open space" and non-commercial recreation, and
- D. does not use any of the following areas to meet minimum preserved open space requirements:
 1. existing street rights-of-way,
 2. vehicle streets or driveways providing access to other lots,
 3. land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
 4. off-street parking (other than that clearly intended for noncommercial recreation),
 5. area(s) needed to meet a requirement for an individual lot,
 6. for land intended to be open to the public, that does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
 7. land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond,

8. portions of land that have a width of less than 50 feet,
 9. areas that are under water during normal weather conditions,
 10. areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- E. Each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.

Open Space Development. An optional type of residential development that involves the permanent preservation of preserved open space, and that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development.

Ordinance, This. The Upper Milford Township Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

Picnic Grove, Commercial. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA Municipalities Planning Code. (See definition in Section 107 of such law.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Article 3, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The CON, R-A, S-R, VR and RS-R Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than 10 acres , or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.
- B. See “Right-of-way, Future or Ultimate” in the Subdivision and Land Development Ordinance.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. A line separating a “yard” from the area within which a building or use is allowed.

Sewage Service, Central. Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves 5 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 403.

Sign. The definition in Article 6 shall apply.

Sign, Off-Premise. The definition in Article 6 shall apply.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of ‘Adult Use.’

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street," "highway," and "road" have the same meaning and are used interchangeably.

Street Classification. The functional classification of streets, roads, and highways that is provided in the Township Comprehensive Plan shall apply. For the purposes of this Ordinance, such classifications may be revised by written resolution of the Board of Supervisors.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, paving, and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Upper Milford Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Timber Harvesting (includes Logging) - The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

Tire Storage, Bulk. The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal without being regulated by this term.

Townhouse. See "Dwelling Types."

Township. Upper Milford Township, Lehigh County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Tree. A perennial woody plant having a main trunk with a diameter of 1.5 inches or greater, unless a differing measurement is provided for a specific purpose of this Ordinance.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use.

Unlicensed Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker or does not have a valid State safety inspection sticker. The requirement for a safety inspection sticker shall not apply to vehicles (such as licensed antique cars and trailers of less than 3,000 pounds aggregate gross vehicle weight) for which State regulations do not require such a sticker. The term shall not include a motor vehicle displaying an inspection sticker that expired less than 30 days previously. See the regulations of the Property Maintenance Code.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, Central. Water supply service to a building by a Township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Wireless Communications Facilities. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Wireless Communications Facilities shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A Wireless Communications Facility tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 312.E. This term shall not include a "standard antenna."

- A. Lattice Tower. A Wireless Communications Tower that is guyed or self-supporting with an open steel-frame structure.
- B. Monopole Tower. A Wireless Communications Tower that involves a single shaft as its structural support.

Yard. An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. Private Streets. For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback." A "yard" measured a distance measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 403 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback."

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side or "Side Setback."

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provisions.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Yield Plan. A Plan required to be submitted to the Township by the applicant under certain provisions of the Zoning Ordinance. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if certain optional development provisions would not be used, and instead the provisions for conventional development under the current zoning district would be used. A Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information. The Yield Plan shall show potential lots, streets, and retention/ detention pond locations.

Zoning Map. The Official Zoning Map of Upper Milford Township, Lehigh County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Upper Milford Township Zoning Ordinance, as amended.

ARTICLE 3
ZONING DISTRICTS AND USE REGULATIONS

301. **ESTABLISHMENT OF ZONING DISTRICTS AND PURPOSES.**

A. For the purpose of this Ordinance, zoning districts are hereby established as follows:

AC	Agricultural Conservation
R – A	Rural Agricultural
RS – R	Rural Suburban Residential
S – R	Suburban Residential
C	Commercial
I	Industrial
CON	Conservation
VC	Village Commercial
VR	Village Residential

B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map”.

C. The following zoning districts are intended to serve the following purposes, in addition to the overall purposes and objectives of this Ordinance and the Comprehensive Plan:

1. CON Conservation District – To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands and very steeply sloped areas. To recognize that many of these areas have limited road access. To protect the water quality and habitats along creeks and their headwaters and promote groundwater recharge. To provide incentives and a certain amount of flexibility in lot layout through open space development so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development.
2. AC Agricultural Conservation District – To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize the Township’s viable agricultural economy by minimizing uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices.
3. R-A Rural Residential District – To provide for rural types of development at a low overall density. To avoid conflicts with agricultural uses and recognize sewage limitations. To protect the water quality and habitats along creeks, and promote groundwater recharge. To provide incentives and a certain amount of flexibility in lot layout through open space development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development.
4. RS-R Rural Suburban Residential District – To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.

5. S-R Suburban Residential District – To provide for medium density residential neighborhoods with a mix of housing types at a medium density. To protect these areas from incompatible uses. To meet requirements of State law to provide opportunities for various housing types.
6. VR Village Residential District – To provide for residential uses that are similar in character to existing homes in the older villages of the Township.
7. VC Village Commercial District – To provide for a mix of housing and light business uses in a manner that avoids conflicts between homes and intensive commercial uses. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.
8. C Commercial District – To provide for a wide range of commercial uses. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.
9. I Industrial District – To provide for a range of industrial uses in a manner that minimizes conflicts with homes and avoids serious nuisances and hazards.

302. **APPLICATION OF DISTRICT REGULATIONS.**

- A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- B. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- C. No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- D. No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. Any territory, which may hereafter be annexed to the Township, shall be classified as the zoning district of the Township most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.
- G. No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance.

303. **ZONING MAP AND RULES FOR INTERPRETING DISTRICT BOUNDARIES.**

- A. A map entitled, “Zoning Map for the Township of Upper Milford” accompanies this Ordinance and is declared a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Chairperson of the Board of Supervisors attested by the Township Secretary, and shall bear the adoption date of this Ordinance and the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map adopted March 18th, 2010 as part of the Upper Milford Township Zoning Ordinance of 2010.”
- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the Amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
 - 1. The base information on the Zoning Map may be periodically revised to reflect approved subdivisions.
 - 2. The Zoning map shall reflect that the Mast Engineering Survey line shall act as the boundary line between both Upper Milford Township and Upper Saucon Township, and Upper Milford Township and Lower Milford Township, pursuant to the Order of Court dated October 22, 1990, indexed at Case No. 15-R-87 in the Court of Common Pleas of Lehigh County, Pennsylvania – Criminal Division. (By Ordinance June 3, 1992)
- D. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located at the Township Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the Official Zoning Map for official use.
- E.
 - 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map.
 - 2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
 - 3. The new Official Zoning Map shall be identified by the signatures of the Board of Supervisors, attested to by the Township Secretary, and bearing the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted March 18th, 2010 as part of the Upper Milford Township Zoning Ordinance.”
 - 4. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
- F. Zoning boundaries drawn approximately following the centerlines of streams, drainage ways, streets, alleys, railroads or other right-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.

- G. Boundaries approximately following property lot lines shall be construed as following such property lot lines.
- H. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- I. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through C above; the Zoning Hearing Board shall interpret the district boundaries.
- J. Where a lot is situated in more than one district, then the zoning requirements of the less dense district shall be applied.

304. **TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.**

A. For the purposes of this Section 304, the following abbreviations shall have the following meanings:

- P = Permitted by right use (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not Permitted
- (S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.
- (S. 312) = See Additional Requirements in Section 312.
- (S. 313) = See Additional Requirements in Section 313

B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance, any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B. , any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.G.

304.B.1 Allowed Uses in Primarily Residential Zoning Districts

TYPES OF USES (See definitions of uses in Article 2)	ZONING DISTRICTS (See names of districts on page 3-2)					
	CON	R-A	RS-R	S-R	AC	VR
a. RESIDENTIAL USES						
Single Family Detached Dwelling: (Note - Manufactured/mobile homes shall also meet the additional requirements of Section 311)	P	P	P	P	P	P
Age-Restricted Residential Development under compliance with Section 308.	N	P	P	P	N	P
Open Space Development Option in compliance with Section 307.	N	P	P	P	N	N
Twin Dwelling (side-by-side)	N	N	P	P	N	P
Townhouse (Rowhouse) (S. 311)	N	N	N**	P	N	N
Apartments (S. 311), not including conversions of an existing building:						
- Only 2 Dwelling Units in a Building ("Duplex" or "Two Family Detached Dwelling")	N	N	N	P	N	N
- 3 or More Dwelling Units in a Building	N	N	N	P	N	N
Manufactured/Mobile Home Park (S. 311)	N	N	N	SE	N	N
Boarding House (includes Rooming House) (S. 311)	N	N	N	N	N	N
Group Home within a lawful existing dwelling unit (S.311), not including a Treatment Center	P	P	P	P	P	P
Conversion of an Agricultural Barn that included more than 500 square feet of floor area prior to 1985 into one dwelling unit	P	P	P	P	P	P
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units, other than above (See also "Unit for Care of Relative" under Accessory Uses)	N	N	N	N	N	N
b. COMMERCIAL USES *						
Airport, Private or Public (S. 312)	N	SE	N	N	N	N
Bed and Breakfast Inn (S. 312)	SE*	SE*	N	N	SE*	SE*
Campground (S. 312), not including Recreational Vehicle Campground	SE	SE	N	N	N	N

* = This use shall be limited to a building that was constructed prior to January 1, 1940, in addition to any customary additions to such building.

** = This use is only allowed within an Open Space Development.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CON	R-A	RS-R	S-R	AC	VR
b. <u>COMMERCIAL USES (Cont.)</u>						
Golf Course (S. 311), with a minimum lot area of 25 acres	N	P	P	P	N	P
Gun Club/ Outdoor Target Range, for Firearms (S. 312)	SE	SE	N	N	N	N
Kennel (S. 312)	N	SE	N	N	SE	N
Plant Nursery or Tree Farm, with any on-site retail sales limited to trees and shrubs primarily grown on the premises, and with a 5% maximum building coverage and a 2 acre minimum lot area	P	P	P	P	P	P
Wireless Communications Facility (S. 312)						
- Meeting Section 312 pertaining to antenna placed on certain existing structures	P	P	P	P	P	P
- Other than above (such as freestanding towers)	SE	N	N	N	N	N
c. <u>INSTITUTIONAL / SEMI-PUBLIC USES</u>						
Cemetery (not including Crematorium, which is listed separately) (S. 311)	P	P	P	P	P	P
Church - See Place of Worship below						
College or University - Educational & Support Bldgs. (other than environmental education center)	N	N	N	N	N	N
Community Recreation Center or Library	N	N	P	P	P	P
Cultural Center or Museum	N	N	N	N	N	N
Day Care Center, Adult (S. 311)	N	N	N	N	N	N
Day Care Center, Child (S. 311) (See also as an accessory use)	N	N	N	N	N	N
Emergency Services Station (S. 312)	N	SE	SE	SE	N	SE
Hospital	N	N	N	N	N	N
Hunting and Fishing Club, with a 5% maximum building coverage. This term shall not include uses listed separately in this Section 304.	P	P	P	P	P	P
Maintenance Facilities for Residential Property-Owners Associations, which shall be required to be separated by landscaped screening from any dwellings	N	P	P	P	P	N
Membership Club meeting and non-commercial recreational facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in this Section 304 shall only be allowed if so listed in this table and if the requirements for that use are also met.	N	SE	N	N	N	SE

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

TYPES OF USE (See definitions in Article 2)	<u>ZONING DISTRICTS</u>					
	CON	R-A	RS-R	S-R	AC	VR
<u>d. PUBLIC/SEMI-PUBLIC</u>						
Nursing Home or Personal Care Home/Assisted Living (S. 311)	N	N	N	SE	N	N
Place of Worship (S. 311) (includes Church)	SE	SE	SE	SE	SE	SE
School, Public or Private, Primary or Secondary	N	SE	SE	SE	N	SE
Township Government Uses, other than uses listed separately in this Section 304	P	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 304	SE	SE	SE	SE	SE	SE
Publicly Owned or Operated Recreation Park	P	P	P	P	P	P
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 304	SE	SE	SE	SE	SE	SE
Swimming Pool, Non-household (S. 311)	SE	SE	SE	SE	SE	SE
U.S. Postal Service Facility, which may include a leased facility	N	N	N	N	N	N
<u>e. ACCESSORY USES</u>						
See list of additional permitted uses in Section 304.C., such as “Residential Accessory Structure or Use”						
See Additional Requirements in Section 313 for Specific Accessory Uses						
Bees, Keeping of	P	P	P	P	P	P
Bus Shelter at a public bus route stop (S. 313)	N	N	N	P	N	P
Composting, other than leaves or materials generated on-site (S. 313)	SE	SE	N	N	SE	N
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	P	P
Day Care (S. 313) as accessory to a dwelling:						
- Day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver	P	P	P	P	P	P
- Group Day Care Home	N	N	N	SE	N	SE
- Family Day Care Home	SE	SE	SE	SE	SE	SE
Farm-Based Business (S. 313)	SE	SE	SE	SE	SE	SE
Home Occupation, Major (S. 313)	SE	SE	SE	SE	SE	SE
Home Occupation, Minor (S. 313)	P	P	P	P	P	P
Horses - See under Pets in Section 313						
Retail Sales of Agricultural Products (S. 313)	P	P	P	P	P	P
Temporary Retail Sales - Shall only occur if allowed by Section 103.G.						
Unit for Care of Relative (S. 313)	SE	SE	SE	SE	SE	SE

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted
 (S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.
 (S. 312) = See Additional Requirements in Section 312
 (S. 313) = See Additional Requirements in Section 313

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CON	R-A	RS-R	S-R	AC	VR
f. MISCELLANEOUS USES						
Animal Husbandry (S. 311)						
– Not Intensive	P	P	P	P	P	P
– Intensive	N	SE	SE	SE	SE	N
Crop Farming	P	P	P	P	P	P
Forestry (S. 311)	P	P	P	P	P	P
Greenhouse, Wholesale, with a 10 acre minimum lot area	P	P	P	P	P	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a tract for off-site consumption (S. 311) (See also requirements for food and beverage bottling and processing under Industrial Uses)	SE	SE	SE	SE	SE	SE
Nature Preserve or Environmental Education Center, with a 10 acre minimum lot area for any use involving a principal building	P	P	P	P	P	P
Parking Lot for Carpooling	N	N	N	N	N	N
Parking Lot as the Principal Use of a Lot	N	N	N	N	N	N
Sewage Sludge/Biosolids, Land Application of	SE	SE	N	N	SE	N
Sewage Treatment Plant	SE	SE	SE	SE	SE	SE
Stable, Non-Household (S. 311; includes horse-riding academy)	P	P	SE	SE	P	SE
Wind turbine, which shall be required to have a setback equal to the total height from all lot lines to the tip of the extended rotor						
– Maximum of One Wind turbine per lot as an accessory use that is primarily intended for generating on-site electricity (S. 313)	P	P	P	P	P	P
– Other than above, such as 2 or more Wind turbines per lot (S. 312)	N	N	N	N	SE	N
All Uses that will be unable to comply with the performance standards of this ordinance. See the “Environmental Protection” requirements of Article 5	N	N	N	N	N	N

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

304.B.2 Allowed Uses in Primarily Business Zoning Districts

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
a. RESIDENTIAL USES			
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 311)	P	P	N
Twin (or Two-Family) Dwelling (side-by-side)	N	N	N
Townhouse (Rowhouse) (S. 311)	N	N	N
Apartments (S. 311), other than conversions of an existing building	N	N	N
Boarding House (includes Rooming House) (S. 311)	N	SE	N
Manufactured/Mobile Home Park (S. 311)	N	N	N
Group Home within a lawful existing dwelling unit (S.311), not including a Treatment Center	P	P	P
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also “Unit for Care of Relative” under Accessory Uses)	SE	SE	N
b. COMMERCIAL USES			
Adult Use (S. 312)	N	N	SE
After Hours Club - To the extent the use is not prohibited by State Act 219 of 1990.	N	N	N
Airport, Private or Public (S. 312) (see also “Heliport”)	N	N	SE
Amusement Arcade	N	P	N
Amusement Park or Water Park	N	P	N
Animal Cemetery (S. 312)	N	SE	SE
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	N	P	N
Auto Repair/Body Shop or Auto Service Station (S. 311)	N**	P	N
Auto, Boat or Mobile/Manufactured Home Sales (S. 311)	N	P	N

* = Apartments shall be limited to a maximum of 4 dwelling units per lot and shall be limited to being in the same building as a principal commercial use that is on the street level.

** = However, in the VC district, an auto repair use shall be allowed if it meets all of the following additional requirements: a) it involves a maximum building floor area of 5,000 sq.ft.; b) it does not involve auto body work, spray painting of vehicles or sale of fuel; c) it does not involve vehicle repair between the hours of 9 pm and 6 am; and d) it does not involve repair of vehicles with an aggregate gross vehicle weight of greater than 17,000 pounds.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

TYPES OF USE (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
b. COMMERCIAL USES (Cont.)			
Bakery, Retail	P	P	P
Bed and Breakfast Inn, which shall meet regulations listed for the use in Section 312	P	P	P
Betting Use, beyond gambling that is allowed under State law through the Lottery or Small Games of Chance	N	N	N
Beverage Distributor (wholesale and/or retail)	P	P	P
Bus Maintenance or Storage Yard	N	P	P
Bus Stop for local bus service	P	P	P
Bus Stop for Inter-city bus service (other than bus maintenance or storage yard)	P	P	P
Campground (S. 311) other than Recreational Vehicle Campground	SE	P	P
Campground, Recreational Vehicle (S. 311), which may include an accessory camp store that is primarily for use by campers	N	SE	SE
Car Wash (S. 311)	N	P	N
Catering, Custom, for Off-Site Consumption	P	P	P
Conference Center	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the buffer requirements of Section 403.D.	P	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	P	P	P
Custom Printing, Copying, Faxing, Mailing or Courier Service	P	P	P
Exercise Club	P	P	P
Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 313	P	P	P
Flea Market/ Auction House	P	P	P
Funeral Home	P	P	P
Garden Center, Retail	P	P	P
Gas Station - See Auto Service Station			
Golf Course (S. 311)	P	P	P
Gun Club/ Outdoor Target Range, for Firearms (S. 312)	N	N	SE

* = Drive through service is prohibited.

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
b. COMMERCIAL USES (Cont.)			
Heliport (See provisions in Section 312 under Airport or Heliport)	N	N	SE
Horse-Riding Academy - See Stable under Miscellaneous Uses			
Hotel or Motel (S. 311)	P	P	P
Kennel (S. 312)	N	SE	SE
Laundromat	P	P	P
Laundry, Commercial or Industrial	N	P	P
Lumber Yard	N	P	P
Motor Vehicle Racetrack (S. 312)	N	N	SE
Nightclub (S. 311)	N	SE	N
Office (May include medical labs, see also Home Occupations)	P	P	P
Pawn Shop	N	P	N
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	P	P	P
Picnic Grove, Commercial (S. 311)	P	P	P
Plant Nursery (other than a Retail Garden Center)	P	P	P
Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with fire company review.	N	N	SE
Recording Studio, Music	P	P	P
Recreation, Commercial Indoor (S. 311 under "Commercial Indoor Recreation") (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Section 304	SE	P	P
Recreation, Commercial Outdoor (S. 311, including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in this Section 304	SE	P	P
Repair Service, Household Appliance	P	P	P
Restaurant or Banquet Hall (S. 311)			
- with drive-through service (S. 313)	N	P	N
- without drive-through service	P	P	N

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

* = With a maximum floor area of 2,000 square feet for each retail establishment.

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

TYPES OF USES <i>(See definitions in Article 2)</i>	ZONING DISTRICTS		
	VC	C	I
<u>b. COMMERCIAL USES (Cont.)</u>			
Retail Store (not including uses listed individually in this Section 304) or Shopping Center	P*	P	N
Self-Storage Development	N	P	P
Target Range, Firearms, Completely indoor and enclosed (See also Gun Club)	P	P	P
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	N	P	N
Tavern which may include a State-licensed micro-brewery or micro-distillery (not including an After Hours Club or Nightclub)	SE	SE	N
Theater, Indoor Movie, other than an Adult Use	N	P	N
Trade/ Hobby School	P	P	P
Veterinarian Office (S. 311)	P	P	P
Wireless Communications Facility (S. 312)			
– Meeting Section 312 pertaining to antenna placed on certain existing structures	P	P	P
- Other than above (such as freestanding towers)	N	N	SE
Wholesale Sales - see under Industrial Uses			
<u>c. INSTITUTIONAL/ SEMI-PUBLIC USES</u>			
Cemetery (S. 311, see Crematorium listed separately)	P	P	P
College or University - Educational and Support Buildings (other than environmental education center)	P	P	P
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P
Crematorium	N	SE	SE
Cultural Center or Museum	P	P	P
Day Care Center, Adult (S. 311)	P	P	P
Day Care Center, Child (S. 311) (See also as an accessory use)	P	P	P
Dormitory as accessory to a college, university or primary or secondary school	N	SE	N
Emergency Services Station (S. 312)	SE	SE	SE
Hospital (S. 312)	N	SE	SE
Hunting and Fishing Club. This term shall not include uses listed separately in this Section 304.	P	P	P
Maintenance Facilities for on-site grounds maintenance which shall be required to separated by landscaped screening from any dwellings	P	P	P

P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted
 (S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.
 (S. 312) = See Additional Requirements in Section 312
 (S. 313) = See Additional Requirements in Section 313

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
c. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)			
Membership Club meeting and non-commercial recreational facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in this Section 304 shall only be allowed if so listed in this table and if the requirements for that use are also met.	P	P	P
Nursing Home or Personal Care Home/Assisted Living	P	P	N
Place of Worship (S. 311) (includes Church)	P	P	P
School, Public or Private, Primary or Secondary	P	P	P
Treatment Center (S. 312)	N	SE	SE
d. PUBLIC/SEMI-PUBLIC			
Township Government Uses, other than uses listed separately in this Section 304	P	P	P
Government Facility, other than uses listed separately in this Section 304	SE	SE	SE
Prison or Similar Correctional Institution	N	N	SE
Publicly Owned or Operated Recreation Park	P	P	P
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 304	SE	SE	SE
Swimming Club or Non-household Swimming Pool (S. 311)	P	P	P
U.S. Postal Service Facility, which may include a leased facility.	P	P	P
e. INDUSTRIAL USES			
Asphalt Plant	N	N	SE
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	P
Building Supplies and Building Materials, Wholesale Sales of	N	N	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	P
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	P	P

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N = Not permitted

(S. 311)= See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
e. INDUSTRIAL USES (Cont.)			
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N
Junk Yard (S. 312)	N	N	SE
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	SE
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:			
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	SE
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	P
- Cement Manufacture	N	N	SE
- Ceramics Products (other than Crafts Studio)	N	N	P
- Chemicals, Manufacture or Bulk Processing of Toxic or “Extremely Hazardous Substances” in amounts in excess of the U.S. EPA Threshold Planning Quantity or substances with similar characteristics	N	N	SE
- Chemical Products, other than pharmaceuticals and types listed separately (see above)	N	N	SE
- Clay, Brick, Tile and Refractory Products	N	N	P
- Computers and Electronic and Microelectronic Products	N	N	P
- Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	SE
- Electrical Equipment, Appliances and Components	N	N	P
- Explosives, Fireworks or Ammunition	N	N	N
- Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	P
- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 304)	N	P	P

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311)= See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
e. INDUSTRIAL USES (Cont.)			
- Food Products for animals	N	N	P
- Gaskets	N	N	P
- Glass and Glass Products (other than Crafts Studio)	N	N	P
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:			
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N
- Jewelry and Silverware	N	N	P
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	P
- Machinery	N	N	P
- Manufactured or Modular Housing Manufacture	N	N	P
- Medical Equipment and Supplies	N	N	P
- Metal Products, Primary	N	N	SE
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	SE
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	P
- Paper - Raw Pulp	N	N	SE
- Paving Materials, other than bulk manufacture of asphalt	N	N	SE
- Pharmaceuticals and Medicines	N	N	P
- Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film	N	N	SE
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	P
- Prototypes, as accessory to a Research and Development Principal Use	N	P	P
- Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	SE

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311)= See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
<u>e.INDUSTRIAL USES (Cont.)</u>			
- Scientific, Electronic & Other Precision Instruments	N	N	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	P	P
- Transportation Equipment	N	N	P
- Wood Products and Furniture (not including raw paper pulp)	N	P	P
- See Section 105 for uses that are not listed in Mineral Extraction (S. 311) and related processing, stock-piling and storage of materials removed from the site, but including groundwater or spring water withdrawals	N	SE	SE
Packaging	N	P	P
Package Delivery Services Distribution Center	N	N	P
Petroleum Refining	N	N	SE
Photo Processing, Bulk	P	P	P
Printing or Bookbinding	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	SE	P
Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)	N	P	P
Sawmill/ Planing Mill	N	P	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	SE
Solid Waste Landfill (S. 311)	N	N	SE
Solid Waste Transfer Facility or Waste to Energy Facility (S. 311)	N	N	N
Trucking Company Terminal (S. 311)	N	N	SE
Warehousing or Storage as a principal use	N	N	P
Warehousing or Storage as an on-site accessory use	P	P	P
Welding	N	P	P
Wholesale Sales (other than Motor Vehicles)	N	P	P

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

(S. 311)= See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.

(S. 312) = See Additional Requirements in Section 312

(S. 313) = See Additional Requirements in Section 313

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
f. ACCESSORY USES			
See list of additional permitted uses in Section 304.C., such as “Residential Accessory Structure or Use”			
See Additional Requirements in Section 313 for Specific Accessory Uses			
Bees, Keeping of	P	P	P
Bus Shelter (S. 313) along a public bus route	P	P	P
Composting (S. 313), other than leaves, tree bark or materials generated on-site which are permitted by right	N	SE	SE
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 2 acres	P	P	P
Day Care (S. 313) as accessory to an existing dwelling: - Day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver	P	P	P
Day Care (S. 313) as accessory to a dwelling: - Group Day Care Home	P	P	SE
- Family Day Care Home	P	P	SE
Farm-Based Business (S. 313)	P	P	P
Home Occupation, Major (S. 313)	SE	SE	P
Home Occupation, Minor (S. 313)	P	P	P
Outdoor Storage and Display as accessory to a business use shall also comply with Sections 403 and 404	P	P	P
Parking Lot for Carpooling (see also Miscellaneous Uses below)	P	P	P
Retail Sales of Agricultural Products (S. 313)	P	P	P
Temporary Retail Sales - See Section 103.G.	P	P	P
Unit for Care of Relative (S. 313)	P	P	P
g. MISCELLANEOUS USES			
Animal Husbandry (S. 311):			
- Intensive	N	SE	SE
- Not Intensive	SE	SE	P
Crop Farming and Wholesale Greenhouses	P	P	P
Forestry (S. 311)	P	P	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a tract for off-site consumption (S. 311) (See also requirements for food and beverage bottling and processing under Industrial Uses)	N	SE	SE
<hr/> P = Permitted by use right (zoning decision by Zoning Officer) SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted (S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use. (S. 312) = See Additional Requirements in Section 312 (S. 313) = See Additional Requirements in Section 313			

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS		
	VC	C	I
<u>g. MISCELLANEOUS (Cont.)</u>			
Nature Preserve or Environmental Education Center	P	P	P
Parking Lot or Structure as an accessory use	P	P	P
Parking Lot or Structure as a principal use that does not primarily serve tractor-trailer trucks or trailers	P	P	P
Parking Lot or Structure as a principal use that primarily serves tractor-trailer trucks or trailers	N	N	SE
Sewage Sludge/Biosolids, Land Application of	SE	SE	SE
Sewage Treatment Plant	SE	SE	SE
Stable, Non-Household (S. 311; includes horse-riding academy)	SE	P	P
Wind turbine, maximum of 1 per lot, which shall be required to have a setback equal to the total height to the extended tip of the rotors from all lot lines of existing dwellings and residential districts (S. 313)	P	P	P
All Uses that will be unable to comply with the performance standards of this ordinance. See the “Environmental Protection” requirements of Article 5	N	N	N

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 N = Not permitted
 (S. 311) = See Additional Requirements in Section 311 for a Permitted by Right Use or Section 312 for a Special Exception Use.
 (S. 312) = See Additional Requirements in Section 312
 (S. 313) = See Additional Requirements in Section 313

C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 313 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *
9. Signs, as permitted by Article 7
10. Swimming Pool, Household *

11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right or special exception principal use.

* See standard for each in Section 313.

- D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right or special exception commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 313.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 305.

305. **DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

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 Imper-vious 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 Imper-vious 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>All dwellings shall have a minimum principal building width and length of 20 feet (not including unenclosed structures).</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>b): 25</p> <p>c): 50.</p>	<p>a1): 50</p> <p>a2): 50</p> <p>a3): 25</p> <p>a4) 25</p> <p>b): 10.</p> <p>c) 15</p>	<p>a1): 15</p> <p>a2): 15</p> <p>a3): 10</p> <p>a4) 10</p> <p>b) 30</p> <p>c) 20</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 Imper-vious 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 Imper-vious 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 Imper-vious 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

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.

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.

Upper Milford Township Zoning Ordinance - As Adopted March 18, 2010

- 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 March 18, 2010 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 March 18, 2010, 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 March 18, 2010, 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 March 18, 2010, 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 March 18, 2010, 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."

307. OPEN SPACE DEVELOPMENT OPTION.

- A. Purposes. To allow reasonable amounts of flexibility in site planning of residential development to: a) protect environmentally sensitive areas and avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) preserve areas of prime farmland, d) provide additional recreation land, e) direct development to those areas that are more physically suited for it, f) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and plow snow upon, g) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, h) conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats, i) reduce construction costs and municipal maintenance costs, j) provide for transitional forms of development between residential and agricultural or industrial areas or highways, with open space serving as a buffer, and k) allow each property owner a reasonable use of their land, related directly to the features and location and accessibility of the land. This option will encourage the establishment of significant areas of preserved open space.
- B. Applicability. This Section 307 allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves compliance with all of the requirements of this Section 307 to the satisfaction of the Township.
 - 1. An "Open Space Development" is a residential development that meets the requirements of this Section 307 and is granted approval by the Township as an Open Space Development. An Open Space Development shall only be allowed in zoning districts where the use is listed as allowed in Article 3.
 - 2. Uses. A Open Space Development shall only include the following uses: single family detached dwellings, nature preserves, Township-owned recreation, recreation uses that the Township approves to be within the preserved open space, crop farming, raising and keeping of horses, customary keeping of livestock as accessory to crop farming, utilities necessary to serve the development, and customary permitted accessory uses. A manufactured home park shall not qualify as an Open Space Development. In addition, two family dwellings with each dwelling unit separated by a vertical wall and townhouses

shall be allowed in the R-S and R-SR Districts. Apartments shall only be allowed as part of an Open Space Development if all of the apartment dwellings are age-restricted as provided in Section 308. A golf course shall be allowed in the S-R district as part of an Open Space Development. A golf course may count towards up to 75 percent of the required preserved open space in the S-R district, provided the remaining 25 percent is available, at a minimum, for non-commercial outdoor recreation by the residents of the development.

3. A tract shall be eligible for approval for an Open Space Development if it includes a minimum of 5 acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. The amount of Preserved Open Space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features. Land area of future rights-of-way of existing streets may be deleted from the total lot area before calculating the required amount of Preserved Open Space.
 - i. Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating Preserved Open Space or allowed density.
 - ii. See the definition of "Open Space, Preserved" in Section 202. That definition provides that certain features not count towards Preserved Open Space.
 - a. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the preserved open space, such as an agricultural barn) shall not be included within the land area used to calculate residential density.
 - b. Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section 307.
4. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this Section 307.
5. Procedures
 - a. Applicants are strongly encouraged to first submit a Layout Plan for review by the Township for zoning compliance, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the Township and the applicant to mutually agree upon the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering. Detailed stormwater, grading, utility, profile and erosion control plans shall not be required at the zoning compliance review stage if such matters will be submitted as part of the subdivision or land development approval process.
 - b. The applicant and Township officials are strongly encouraged to walk the tract after a detailed Existing Features Map has been provided to the Township, but before the site layout has been finalized.

C. Density, Open Space and Lot Standards. The maximum number of dwelling units on the tract shall be determined based upon an Existing Features Map and a Yield Plan.

1. An Existing Features Map shall be required to be submitted as part of the application for an Open Space Development. This Existing Features Map shall accurately show the locations of the following at a minimum: wetlands, 100 year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, highlighting of 15 to 25 percent slopes and 25 percent and greater slopes, and any major scenic views from within the tract or from outside of the tract.
2. A Yield Plan shall be submitted to the Township by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Open Space Development provisions would not be used, and instead the provisions for conventional development in the applicable zoning district would be used. The Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information described above. The Yield Plan shall show potential lots, streets, and retention/ detention pond locations. However, the Yield Plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.
3. The Yield Plan shall be reviewed by the Zoning Officer or the Township Engineer, and then determined by the Planning Commission as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer or the Township Engineer to revise the Yield Plan until it is accurate.
 - a. The maximum number of dwelling units allowed on the tract through Open Space Development shall be 25 percent greater than the number of dwelling units that is determined by the Township to be possible under the Township-accepted Yield Plan.
 - b. The allowed number of dwelling units may be rounded to the nearest whole number.
 - c. The Yield Plan shall not have any legal standing except for the purposes of determining density for an Open Space Development.
4. All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this Section 307. For example, lots in an Open Space Development shall comply with any requirements of this Ordinance to delete certain natural features from lot area of individual lots. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. R-A District - The minimum lot area shall be 50,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the R-A district, except that the minimum lot width shall be reduced to 150 feet. A minimum of 35 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - b. RS-R District –
 - i. If the application only involves single-family detached dwellings, then a minimum of 30 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space. Otherwise, such minimum Preserved Open Space shall be increased to 45 percent of the tract. The reduced dimensions in this subsection

- “b.” shall only apply if central sewage and central water services are provided.
- ii. For single-family detached dwellings, the minimum lot area shall be 8,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the RS-R district, except that the minimum side yard shall be reduced to 8 feet each. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - iii. For two family detached dwellings, the minimum lot area shall be 4,500 square feet per dwelling unit and the minimum lot width shall be reduced to 45 feet per dwelling unit. The minimum side yard setback shall be reduced to 5 feet each. The minimum front yard shall be reduced to 20 feet if there is no vehicle parking between the front street curb and the dwelling. Only side-by-side dwellings shall be allowed. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - iv. For townhouses, the dimensional provisions in Section 305.A. for the applicable district shall apply, except that the density bonus provided by this Section may be utilized. These reduced dimensions shall only apply if central sewage and central water services are provided.
- c. S-R District –
- i. If the application only involves single-family detached dwellings, then a minimum of 30 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space. Otherwise, such minimum Preserved Open Space shall be increased to 40 percent of the tract. The reduced dimensions in this subsection “c.” shall only apply if central sewage and central water services are provided.
 - ii. For single-family detached dwellings, the minimum lot area shall be 5,000 square feet. The minimum lot width shall be reduced to 50 feet, the minimum front yard to 20 feet if there is vehicle parking between the front street curb and the dwelling, and the minimum side yard shall be reduced to 5 feet each. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - iii. For two family detached dwellings, the minimum lot area shall be 4,000 square feet per dwelling unit and the minimum lot width shall be reduced to 40 feet per dwelling unit. The minimum side yard setback shall be reduced to 5 feet each. The minimum front yard shall be reduced to 20 feet if there is no vehicle parking between the front street curb and the dwelling. Only side-by-side dwellings shall be allowed. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - iv. For townhouses, the dimensional provisions in Section 305.A. for the applicable district shall apply, except that the density bonus provided by this Section may be utilized. These reduced dimensions shall only apply if central sewage and central water services are provided.
 - v. For allowed apartments, the dimensional provisions in Section 305.A. for the S-R district shall apply, except that: the density bonus

provided by this Section may be utilized, and any new apartment buildings shall be setback a minimum of 150 feet from the lot line of any existing single family detached dwelling that is not part of the Open Space Development.

- d. See definitions of the areas that may count towards "Open Space, Preserved" in Section 202.
5. Utilities. Any lot with a lot area of less than one acre per dwelling unit shall be served by Township-approved centralized sewer service and a Township-approved centralized water system. If the water or sewage systems are not publicly owned, the applicant shall provide evidence that there will be adequate safeguards to ensure proper long-term operation, maintenance and financing.
6. Subdivision of Part of a Tract. This subsection "6" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering Preserved Open Space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the Preserved Open Space requirement based upon the area of the entire tract.
 - a. The land under the conservation easement shall be a logical shape that is subject to approval by the Township and shall be located where it could adjoin land that would be added as Preserved Open Space in the future if the total allowed number of dwellings would be developed.
 - b. The following hypothetical example assumes a tract includes 50 acres, and the Yield Plan determines that the applicant for an Open Space Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. At the present time, only one-third of the open space would need to be preserved, compared to if all of the allowed housing units would be developed. However, the preserved open space would need to be placed on the tract at a location where it could be joined by the remaining acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.
7. A minimum of 50 percent of the required Preserved Open Space shall be in one contiguous lot, except that the Preserved Open Space may be separated by creeks, water bodies, and a maximum of one street.
 - a. As part of this type of development approval, the Board of Supervisors may approve the following, if the applicant proves to the satisfaction of the Board of Supervisors that such configuration would serve the purposes of this Section and be in the best interests of the Township, considering the unique circumstances of the tract:
 - b. a reduction of the percentage of the preserved open space that is in one lot; or
 - c. the crossing of the preserved open space by two or more streets.
 - d. An accessway limited to emergency vehicles may also cross the preserved open space.
8. The Board of Supervisors may require that the majority of the required Preserved Open Space be placed:

- a. adjacent to an existing or planned public or homeowner association-owned recreation area,
- b. adjacent to existing farmland,
- c. at the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot, or
- d. adjacent to an arterial street or expressway where the open space will serve to buffer homes from the traffic.

D. Conditions for Approval. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Township that the following additional conditions shall be met:

1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas or other sensitive natural features.
 - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes. In such case, new dwellings shall be concentrated adjacent to existing dwellings and residential zoning districts.
 - c. The dedication of recreation land at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The provision of preserved open space in a location that will allow homes to be buffered from highly-noxious, nuisance-generating uses, such as a heavily traveled street or industrial uses. In such case, intensive landscaping and/or planting for eventual re-forestation shall be provided.
2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
3. The Township may require the use of conservation easements within an Open Space Development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.

E. Preserved Open Space.

1. Preserved Open Space. The minimum amount of "Preserved Open Space" shall be provided, which shall meet the requirements of this Ordinance and the definition in Section 202 of "Open Space, Preserved."
 - a. The Preserved Open Space requirements of this Section 307 shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the Township

Subdivision and Land Development Ordinance (SALDO), unless the applicant proves to the satisfaction of the Board of Supervisors that the proposed Preserved Open Space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.

2. Open Space Standards. Required Preserved Open Spaces shall meet all of the following requirements:
 - a. Preserved open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Forestry shall meet Township requirements and removal of healthy mature trees shall be limited to selective cutting following a Township-approved forest management plan that follows best management practices. Land approved as required Preserved Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a Christmas Tree Farm, a nature preserve, a horse farm, a wholesale plant nursery, crop farming and/or another Township-approved agricultural use.
 - b. Improvements to Open Spaces. Where Preserved Open Space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
 - (1) Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).
 - (2) Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.
 - a. All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - b. The applicant shall prove that all required Preserved Open Space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a recreation trail through Preserved Open Space. If a developer installs a trail, it shall be completed prior to the final sale of any adjacent residential lots.
 - c. Lots and Preserved Open Spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
 - d. Sufficient access points from each preserved open space shall be provided to streets for pedestrian access and maintenance access. The Board of Supervisors may require that maintenance and/or pedestrian access points be paved and be up to 8 feet in width, meeting Township standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved Open Space shall be acceptable to the Township. The Township shall only approve an Open Space development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
 - a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed open space as public open space. The Township shall only

accept ownership of open space if the Board of Supervisors has agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Township, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the Board of Supervisors:

- (1) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (2) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education and/or related open space.
 - (3) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (a) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (4) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors for maintenance as a nature preserve or passive recreation area.
 - (5) Dedication of a permanent conservation easement that results in the land being used for a Township-approved agricultural use, such as crop farming, a tree farm, or a horse farm, and which may include one of the allowed dwelling units on the lot.
 - (6) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (7) Preservation of the Preserved Open Space as part of one privately-owned lot that is restricted against subdivision by a conservation easement, if the applicant proves that none of the other alternatives are feasible. In such case, the Preserved Open Space shall be in addition to the land area that would be needed to meet the requirements for any dwelling on the lot. The conservation easement shall control alteration of natural features on the lot and shall limit non-residential use/ non-agricultural use of the lot.
 - a. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
 - b. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. The applicant shall prove compliance with State law governing homeowner associations. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings.
4. Changes in Open Space Uses. If the required Preserved Open Space is proposed to be used for purposes that were not authorized in the Township approval, then a revised approval shall be required for the changed use.

- F. Steep Slopes. Within an Open Space Development, the steep slope provisions of Section 503 shall still apply.

- G. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article will be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- H. Landscaping Plan. An application for an Open Space Development involving over 10 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

308. **AGE RESTRICTED RESIDENTIAL DEVELOPMENT.**

- A. This Section 308 provides a density bonus, where allowed by Section 304.B., for a residential development that is age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code. (Note: As of 2008, such provisions were in 42 U.S.C. 3607.) This provision shall not change the allowed dwelling types in the district. This option is available as a by right bonus in any zoning district where dwellings are allowed.
- B. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except one dwelling unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one head of household of each dwelling unit shall be age 55 years or older or who is physically disabled as defined by Social Security disability regulations, and 2) no person under age 18 shall live in the dwelling unit for more than 60 days in any calendar year, unless such person has a disability as defined under Federal fair housing regulations. Any violation of such age restrictions shall be a violation of this Zoning Ordinance. In addition, in order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association that has the duty, authority and responsibility to enforce such age restrictions over time. If a household met this requirement at the time of initial occupancy, it shall not be required to move in case of death, divorce or separation of a resident of that same household.
- C. If an entire residential development is approved under this Section 308, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 15 percent. Alternatively, where density is stated in terms of a maximum number of dwelling units per acre, the maximum density may be increased by 15 percent under this Section 308. The minimum side yards may also be reduced by 15 percent. An Age Restricted Residential Development shall meet all other requirements of Township ordinances, including limitations on the housing types allowed in that zoning district.
- D. This density bonus shall only be approved if the development includes an appropriate system of sidewalks or pathways that is accessible under the Americans With Disabilities Act.

309. **HISTORIC BUILDINGS.**

A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources.
2. Establish a clear process to review and approve demolition of designated historic buildings.
3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings.
4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value.
5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.
6. Carry out recommendations of the Regional Comprehensive Plan.

B. Applicability.

1. This Section 309 shall apply to any principal building designed on *any adopted* Historic Buildings Map. Such Historic Buildings Map shall serve as a Historic Overlay District. Such Map is intended to be adopted as a future amendment to this Ordinance.
2. Any partial or complete demolition of a principal building regulated by this Section 309 shall only occur in compliance with this Section.
3. Demolition shall be defined as "The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building." A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of exterior architectural features.

C. Historic Buildings Map. An Historic Buildings Map may be adopted as part of a later amendment of this Zoning Ordinance.

D. Approval of Demolition.

1. A building regulated by this Section 309 shall not be demolished, in whole or in part, unless the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner; or
 - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; or
 - c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the building regulated by Section 309. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard; or

- d. The existing building has no historical or architectural significance and the demolition will not adversely impact upon the streetscape. To meet this condition, the applicant may present information concerning the proposed design of any replacement building or use to show that the proposed building or use will result in a net improvement to the streetscape.
2. For approval of a demolition, the standards of this Section 309 shall apply in place of the general conditional use standards. In reviewing the application, the Zoning Hearing Board shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.
 3. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
 - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
 4. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
 5. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this Section if the Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
 6. Where new construction or vehicle parking is proposed in place of the demolished building, information about the proposed use shall be provided prior to approval of the demolition.
 7. A separate demolition permit shall also be required under the Township Construction Codes, and the applicant shall prove compliance with State Department of Environmental Protection requirements for disposal of the debris.
- E. Exceptions. Special exception use approval shall not be needed for the following:
1. Demolition of accessory buildings or structures.
 2. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).

3. Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport.
4. Relocation of a building within the Township, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

310. **RESERVED.**

311. **ADDITIONAL REQUIREMENTS FOR CERTAIN PERMITTED BY RIGHT USES.**

A. Compliance Required. Each of the following uses should also comply with the additional requirements for that use listed in this Section.

B. Additional Requirements.

1. Animal Hospital

- a. A minimum lot size of at least 2 acres shall be required for those animal hospitals treating small animals (e.g., cats, birds, and exotic animals). A minimum lot size of at least 3 acres shall be required for those animal hospitals treating large animals (e.g., cattle, horses, etc.).
- b. All buildings in which animals are housed or provided care shall be located at least 100 feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- c. Outdoor animal runs may be provided for small animals so long as a double evergreen screen at least 6 feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

2. Animal Husbandry

- a. The use shall be conducted on a lot at least 10 acres in size.
- b. Any new building used for the overnight confinement of animals shall be setback a minimum of 200 feet from any lot line of a lot occupied by a dwelling, unless the owner of record of that other lot provides a written waiver allowing a smaller setback. Such setback shall only apply for dwellings that existed at the time of the zoning application. A larger setback is required in subsection d. for certain uses.
 - i. Manure storage facilities shall meet setbacks required by the State Nutrient Management Act regulations. Where such Act does not require a minimum setback from a lot line, then the minimum setback shall be 100 feet from all lot lines for a manure storage facility.
- c. Any addition to an existing building used for the overnight confinement of animals shall be setback a minimum of 150 feet from any lot line of a lot occupied by a dwelling, unless the owner of record of that other lot provides a written waiver allowing a smaller setback. Such setback shall only apply for dwellings that existed at the time of the zoning application. A larger setback is required in subsection d. for certain uses.
- d. Section 312.E. shall apply for Intensive Animal Husbandry uses.

3. Auditorium

- a. A 20 foot buffer yard shall separate an off-street parking area from an adjoining lot line.
- b. No lighting shall be permitted which will shine on adjacent property.

4. Auto, Motorcycle, Boat or Recreational Vehicle Sales – No vehicle on display shall occupy any part of the street right-of-way, required yard areas, or required parking area.
5. Auto Repair Garage or Auto Body Shop
 - a. All repair and paintwork shall be performed within an enclosed building.
 - b. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
 - c. Outdoor storage of autos and other vehicles shall not exceed 3 times the indoor repair area, shall only be back off the front yard line, and shall be no closer than 20 feet from side and rear lot lines.
 - d. Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicle shall be stored in excess of 45 days.
6. Auto Service Station
 - a. All activities except those performed at the fuel pumps shall be performed within a completely enclosed building.
 - b. Fuel pumps shall be at least 25 feet from any future street right-of-way or 50 feet from the street centerline, whichever is greater.
 - c. All automobile parts and dismantled vehicles are to be located within a building.
 - d. Full body paint spraying or body and fender work shall not be permitted.
 - e. Automobiles that are taken to a service station for outside storage because of an accident may remain no longer than 60 days from the day the car arrives at the station.
7. Bus Station
 - a. Shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
 - b. Shall provide an area for the loading and unloading of buses separate from required off-street parking areas.
8. Car Wash
 - a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. Access points shall be limited to 2 on each street abutting the lot.
 - c. On-lot traffic circulation channels and parking areas shall be clearly marked.
 - d. Signs and outdoor lighting shall be in accordance with this Ordinance.
 - e. Adequate provisions shall be made for the proper and convenient disposal of refuse.
 - f. Centralized sewage disposal facilities and centralized water supply facilities shall be provided.
9. Cemetery – Shall be on a lot at least 2 acres in area.
10. Commercial Indoor Recreation
 - a. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - b. No lighting shall be permitted which will shine on adjacent properties.
 - c. The Pennsylvania Department of Labor and Industry shall approve the design of the building.

11. Commercial Outdoor Recreation
 - a. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - b. No lighting shall be permitted which will shine on adjacent property.
12. Commercial Stable or Riding Academy
 - a. The use shall be conducted on a lot no smaller than 10 acres in size.
 - b. No new barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 500 feet from all dwellings except the dwelling of the owner or lessee, or from all Residential District boundaries.
 - c. No additions to existing barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 150 feet from all property lines, Residential District boundaries, and dwellings except the dwelling of the owner or lessee.
13. Community / Cultural Center. No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.
14. Emergency Services Station. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.
15. Financial Establishment. Any drive-in window(s) shall be located, along with attendant lane(s) for vehicles, to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the financial establishment.
16. Forestry. It is the intent of this Section to reasonably regulate Forestry, and to allow for and encourage proper forest management. It is furthermore not the intent of this section to regulate or prohibit the routine clearing of "fence line rows" as they relate to normal agricultural practice.
 - a. The provisions of this section shall not apply to:
 - i. The cutting of any trees which are diseased, infected, damaged or dead;
 - ii. The cutting of up to 10 trees per lot in any calendar year, but not exceeding 30 percent of the total basal area.
 - b. Forestry shall be permitted subject to the following requirements:
 - (i) The owner(s) of the property, or agent thereof, shall submit to the Zoning Officer, at the time of application, a Pennsylvania Bureau of Forestry Approved Forestry Plan prepared or reviewed by a Pennsylvania Bureau of Forestry approved professional forester or forest technician. The plan shall conform to industry standards with proposed stand prescription, property lines in the area to be cut, sediment and erosion control plans, and a letter of adequacy from the Lehigh County Conservation District.
 - c. It shall be the joint responsibility of the owner(s) of the property and the entity conducting the Forestry operation to comply with the following additional requirements:
 - i. All cutting, removing, skidding and transportation of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.
 - ii. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.

- iii. All proposed crossings of streams and wetlands shall have the necessary state and/or federal permits.
- iv. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across a public street is prohibited without the express written consent of the Township in the case of Township streets or the Pennsylvania Department of Transportation in the case of State highways.
- v. Before the Forestry operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may easily be identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the forest management plan.
- vi. The holder of a permit to conduct a Forestry operation shall notify, in writing, the Township at least 48 hours before the operation is to begin, and shall notify the Township, in writing, at least 48 hours in advance of the expected completion date of the Forestry operation, and shall notify the Township immediately upon completion.
- vii. No permit shall be issued by the Zoning Officer unless and until security has been posted with the Township, in its favor, in the amount of \$2,000.00 guaranteeing compliance with the terms of these provisions.
- viii. The Township shall have the right, by its own personnel or outside consultants to inspect the site of the Forestry operation both before, during, and after the Forestry operation to review the plan and to insure compliance with the plan as approved and the other terms of these provisions.
- ix. A copy of the permit, the sediment and erosion control plan and/or letter of adequacy where applicable, and the Forestry plan shall be maintained on-site during the Forestry operation.
- x. No tree cutting shall be allowed within 50 feet from the edge of the average water level of a perennial stream or waterway and around any springs, except for necessary approximately perpendicular crossings.
- xi. Upon completion of the Forestry operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked. In addition, all litter shall be removed from the property. The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes. No tops or slash shall be left within 25 feet of any public street or private roadway providing access to adjoining property. All tops and slash between 25 feet and 50 feet from a public roadway or private roadway providing access to adjoining property or within 50 feet of adjoining property shall be lopped to a maximum height of 4 feet above the surface of the ground. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the written consent of the owner thereof.
- xii. During periods of abnormal forest fire danger, as determined by the Fire Chief, the Zoning Officer shall have the right to order a suspension of the Forestry operation until the danger subsides.

- xiii. Upon completion of the Forestry operation, and final inspection by the Township or its representative, the security, less any monies retained by the Township to guarantee compliance with these provisions, shall be returned to the permit holder.
- xiv. A minimum of 30 percent of the natural forest canopy cover shall be maintained.
- xv. No clear cutting shall be allowed on areas with a slope of 25 percent or greater. Clear cutting shall not exceed 2 acres on areas with a slope of 15 to 25 percent. In all other cases, clear cutting of contiguous areas of more than 2 acres shall only be allowed where justified as part of the Forestry Plan submitted to the Township.

17. Golf Course

- a. No fairways, green or other use area shall be located closer than 50 feet to a rear or side property line.
- b. No building shall be less than 100 feet from any lot line.
- c. Landscaping shall be used to distinguish golf course areas from adjacent private residential properties.

18. Group Home

- a. There shall be no more than 6 residents, unless specifically approved otherwise under Section 111.
- b. There shall be 24-hour supervision by people qualified by training and experience in the field for which the group home is intended.
- c. The use shall be licensed under the applicable State program, as applicable.
- d. Any medical or counseling services provided shall be done so only for residents.
- e. One off-street parking space shall be provided for a) the supervisor, b) each additional employee per shift, c) every 2 residents.
- f. The Group Home activity shall not be related to criminal rehabilitation of either juveniles or adults.
- g. If the Group Home is an existing or new structure, located in a residential district or subdivision, it shall be maintained and/or constructed to ensure that it is similar in appearance, condition and character to the other residential structures in the area.
- h. The Group Home shall register its location, number of residents and sponsoring agency with the Township and such information shall be available to the public.
- i. If there is a change of sponsor, management, or type of client in the Group Home, the use shall be reconsidered by the Township.
- j. A statement setting forth full particulars on the operation to be conducted and to include the approvals of the Pennsylvania Department of Health, Labor and Industry, State and Public Welfare, Human Relations Commission as well as to Title VI of the Civil Rights Act of 1964 shall be filed with the Township where applicable; and
- k. The Group Home shall provide the Township with a certificate of certification on an annual basis.
- l. This use shall not include a treatment center.

19. Greenhouse / Nursery. Off-Street parking shall be provided and designed to prohibit vehicles from backing out onto a street or highway.

20. Hotel / Motel. A restaurant may be permitted as an accessory use to a hotel or a motel.
21. Laundry / Laundromat. Centralized sewage disposal facilities and Centralized water supply facilities shall be provided.
22. Manufactured (Mobile) Home
 - a. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development.
 - b. Shall have a site graded to provide a level, stable and well-drained area.
 - c. Shall have wheels, axles and hitch mechanisms removed.
 - d. Shall be securely attached to the ground and installed in accordance with the Construction Code for One- and Two-Family Dwellings and the manufacturer's instructions.
 - i. The foundation system shall consist of 10 inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on 8 feet centers along each of the two main longitudinal frames for each section of the home with no more than 3 feet overhang at each end of the section.
 - ii. One half inch diameter by 12 inch long eyebolts shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
 - iii. The manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least 4 corners and 2 midpoints. The tie down shall also be in accordance with the manufacturers recommendations furnished with each home.
 - iv. Homes shall not be placed more than 4 feet above the supporting ground area.
 - v. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or a material that has the appearance of a perimeter foundation.
23. Nursery School / Day Care Center
 - a. No outdoor play area shall be closer than 40 feet to any lot line.
 - b. The use shall comply with any applicable County, State and Federal Regulations.
24. Picnic Grove
 - a. No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
 - b. No lighting shall be permitted which will shine on adjacent properties.
25. Place of Worship. Shall be on a lot at least 2 acres in area.

26. Restaurant

- a. Shall screen all trash containers.
- b. Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives.
- c. May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles.
- d. Shall provide a visual planting screen, in accordance with Section 403.D, when adjacent to residential properties.

27. Self – Storage Development

- a. All storage units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by a locking device.
- b. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. ALL such items must be licensed and inspected (if applicable), and in operable condition.
- c. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored.
- d. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.
- e. Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
- f. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.

28. Swimming Club or Swimming Pool, Non-Household

- a. All pools shall be entirely enclosed with a good quality chain-link or preferably a wooden or other equivalent fence of not less than 6 feet in height.
- b. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
- c. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.

29. Truck Terminal

- a. There shall be a one acre minimum lot size.
- b. A 20 foot buffer yard in accordance with the provisions of Section 403 D. shall be provided along the side, rear and front lot lines, except for vehicular and pedestrian access areas traversing the yard areas.

30. Warehouse or Wholesale

- a. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, whole or distribution activity to be conducted.
- b. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.
- c. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall be permitted.

312. **SPECIAL EXCEPTION USES.**

A. Purpose. Before a zoning permit is granted for any use listed as a special exception use in this Ordinance, a Site Plan shall be reviewed by the Planning Commission and approved by the Zoning Hearing Board. This procedure is provided because of the considerable impact that these uses tend to have on a community.

B. Procedure.

1. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Zoning Hearing Board is obtained.
2. All applicants for a special exception use shall submit 3 sets of Site Plans for the proposed use to the Zoning Hearing Board as part of the application for a zoning permit.
3. All Site Plans shall contain the information required in Section 103.D.
4. The Zoning Hearing Board shall forward one copy of the Site Plan to the Zoning Officer and one copy to the Planning Commission within 5 days of receiving the submission.
5. The Zoning Officer shall, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written report to the Zoning Hearing Board.
6. The Planning Commission shall, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written recommendation to the Zoning Hearing Board.
7. The Board shall not decide the case without reviewing the reports received from the Zoning Officer and Planning Commission. Failure of either the Zoning Officer or the Planning Commission to submit a written report prior to the next regularly scheduled meeting shall not prevent the Board from hearing and deciding the request.
8. The Board shall hear and decide such request for a special exception use under the procedures of Section 116.
9. The decision of the Board shall be in writing and shall be communicated to the applicant in accordance with Section 116.

C. Approval of Special Exception Uses.

1. The Zoning Hearing Board shall approve any proposed special exception use if they find evidence that any proposed use will meet:
 - a. All of the general standards listed in Section 312 D., and
 - b. All of the specific standards for the proposed use listed in Section 312 E.
2. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it may deem necessary to implement the purposes of this Ordinance.

D. General Standards. Each special use shall comply with all of the following general standards:

1. In conformance with the spirit, purposes, intent, and all applicable requirements of this Ordinance.
 2. In conformance with all applicable provisions of all other Township Ordinances.
 3. In accordance with the Comprehensive Plan.
 4. In conformance with all applicable State and Federal Laws, regulations, and requirements.
 5. Suitable for the particular location in question.
 6. Not detrimental to the public health, safety or welfare.
- E. Additional Standards. Each of the following special exception uses shall also comply with the additional standards for that use listed in this section.
1. Adult Use, Adult Bookstore, Adult Movie Theater, Massage Parlor or Cabaret (which shall mean any of the following uses):
 - a. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - i. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - ii. To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - iii. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - b. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
 - c. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - d. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
 - e. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - f. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 304. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
 - g. A minimum lot area of 1 acre is required.

- h. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - i. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition of "lap dancing."
 - j. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
 - k. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 - l. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Township business hours. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
 - m. The use shall not operate between the hours of 12 midnight and 7 a.m.
 - n. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
 - o. An adult use shall not be on the same lot as a use that sells alcoholic beverages.
 - p. No such use shall be located within 500 lineal feet of any school, place of worship, day care center, Residential District.
 - q. No such use shall be located within 1,000 lineal feet of any existing adult bookstore, adult movie theater, massage parlor or cabaret.
 - r. A 20 feet wide buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 403 D.
 - s. No obscene material shall be placed in view of the general public. Precautions shall be made to prohibit minors from entering the premises.
2. Airport, Public or Private and Private Heliport
- a. The Pennsylvania Bureau of Aviation with the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing for a private airstrip, private airport or heliport.
 - b. The Federal Aviation Administration shall have granted approval for the use of the air space.
 - c. The use shall comply with any other applicable Federal and State regulations and requirements.
 - d. Areas used for landings, take-offs and ground circulation shall be located at least 300 feet away from adjacent property lines.
3. Animal Cemetery

- a. All the regulations for a "cemetery" in this Section shall apply.
 - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
4. Animal Hospital - If the use involves a kennel, other than routine keeping of sick animals, the requirements of a kennel shall also be met.
5. Animal Husbandry, Intensive
 - a. The use shall be conducted on a lot at least 10 acres in size.
 - b. The provisions of Section 311.B.2.b. shall apply.
 - c. The provisions of Section 311.B.2.c. shall apply.
 - d. Intensive Animal Husbandry shall only be allowed if special exception approval is granted and the use is in the R-A or AC District. Such use shall be defined as raising of livestock or poultry that involves more than 5 animal equivalent units of live weight of animals on the average per acre. Such average shall be calculated based upon contiguous acreage that is owned or leased by the operator of the animal husbandry use. Animal weights shall be calculated as provided in State Nutrient Management regulations.
 - i. An Intensive Animal Husbandry use shall only be allowed if new buildings used for the overnight confinement of animals are setback a minimum of 500 feet from the boundary of a residential district or the walls of a dwelling that existed prior to the enactment of this Section, unless the owner of record of that other lot provides a written waiver allowing a smaller setback.
 - a. The Zoning Hearing Board may modify such setbacks as part of a special exception approval if necessary to allow reasonable expansion of a pre-existing animal husbandry use or if such setback is shown to be pre-exempted by State law.
6. Auditorium
 - a. A 20 foot buffer yard shall separate an off-street parking area from an adjoining lot line.
 - b. Lighting which is perceptible beyond the property line shall be minimized in accordance with Section 514 if this Ordinance.
7. Bed and Breakfast Use
 - a. In a residential district, no more than 3 guest rooms shall be provided and no more than 2 adults and 2 children may occupy one guest room.
 - b. One off-street parking space shall be provided for each guest room. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjoining properties by fencing or natural vegetation.
 - c. At least one bathroom shall be provided for use by guests.
 - d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than 2 square feet in size constructed and placed in accordance with Article 6.
 - e. No external alterations or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.

- f. Members of the immediate family, who must reside on the premises, shall carry on the use.
 - g. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast only.
 - h. The maximum, uninterrupted length of stay at a bed and breakfast shall be 14 days.
 - i. The use of any amenities provided by the Bed and Breakfast, such as swimming pool or tennis court, shall be restricted in use to the guests of the establishment.
 - j. The use may not be established until there is compliance with all Township rules and regulations.
 - k. The existing sewage disposal system shall be recertified as being adequate, in accordance with the State regulations.
8. Boarding House. No additional standards.
9. Reserved
10. Bottling Industry. Centralized Sewage disposal facilities and centralized water supply facilities shall be provided.
11. Bus Station
- a. Shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
 - b. Shall provide an area for the loading and unloading of buses separate from required off-street parking areas.
12. Campground
- a. Shall meet all applicable State regulations.
 - b. No loudspeaker or amplifying device shall be permitted which will project sound that can be heard within a dwelling on another lot.
 - c. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
13. Reserved
14. Cemetery. Shall be on a lot at least 2 acres in area.
15. Commercial Outdoor Recreation
- a. No loudspeaker or amplifying device shall be permitted which will project sound that can be heard inside a dwelling on another lot.
 - b. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
16. Community Center / Cultural Center. No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.
17. Conversions of an Existing Building to Result in an Increased Number of Dwelling Unites
- a. The lot area shall not be reduced to less than the amount stated for the District in which the structure is located.

- b. The yard, building area, off-street parking and other applicable requirements for the District shall not be reduced.
 - c. Adequate capacity of sewer, water and other utilities shall be available and shall be certified.
 - d. The resulting residential use shall be a permitted use in the District.
18. Reserved
19. Day Care Center, Child, as a Principal Use
- a. No outdoor play area shall be closer than 40 feet to any lot line.
 - b. The use shall comply with any applicable County, State and Federal Regulations.
20. Drive-In (Outdoor) Theater
- a. Shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
 - b. Shall have a lot area of at least 10 acres.
 - c. A buffer yard, which complies with the standards of Section 403 D., shall be provided around the entire lot.
 - d. Shall provide a driveway at least 300 feet in length between the point where admission tickets are sold and the street right-of-way lines.
 - e. Shall comply with the provisions of Section 514.
21. Emergency Services Station. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.
22. Fuel Oil Company. Shall be in accordance with applicable Federal, State and local fire protection standards.
23. Golf Course
- a. No fairways, green or other use area shall be located closer than 50 feet to a rear or side property line.
 - b. No building shall be less than 100 feet from any lot line.
 - c. Landscaping shall be used to distinguish golf course areas from adjacent private residential properties.
24. Groundwater or Spring Water Withdrawal, as regulated under Section 304.
- a. A study by a qualified professional shall be submitted to the Township to estimate the expected impacts upon neighboring wells, particularly taking into account drought conditions.
 - b. Minimum lot area - 10 acres, plus 5 acres for each 50,000 gallons per day of permitted water removal.
 - c. Special exception approval shall not be required for agricultural uses.
 - d. Bottling operations shall only be allowed in the I district.
 - e. The applicant shall estimate the amount of truck traffic that will serve the site, and provide a traffic impact study by a qualified professional to assess the impacts.
25. Group Home
- a. There shall be no more than 6 residents, unless specifically approved otherwise under Section 111.

- b. There shall be 24-hour supervision by people qualified by training and experience in the field for which the group home is intended.
- c. The use shall be licensed under the applicable State program, as applicable.
- d. Any medical or counseling services provided shall be done so only for residents.
- e. One off-street parking space shall be provided for a) the supervisor, b) each additional employee per shift, c) every 2 residents.
- f. The Group Home activity shall not be related to criminal rehabilitation of either juveniles or adults.
- g. If the Group Home is an existing or new structure, located in a residential district or subdivision, it shall be maintained and/or constructed to ensure that it is similar in appearance, condition and character to the other residential structures in the area.
- h. The Group Home shall register its location, number of residents and sponsoring agency with the Township and such information shall be available to the public.
- i. If there is a change of sponsor, management, or type of client in the Group Home, the use shall be reconsidered by the Township.
- j. A statement setting forth full particulars on the operation to be conducted and to include the approvals of the Pennsylvania Department of Health, Labor and Industry, State and Public Welfare, Human Relations Commission as well as to Title VI of the Civil Rights Act of 1964 shall be filed with the Township where applicable; and
- k. The Group Home shall provide the Township with a certificate of certification on an annual basis.
- l. This use shall not include a treatment center.

26. Gun Club / Outdoor Target Range

- a. All outdoor target ranges shall have a barrier behind the target area, which is of sufficient height and thickness to adequately provide for the public safety.
- b. The use shall comply with National Rifle Association standards for the type of weapons that will be used.
- c. The area used for shooting and for any target area shall be setback a minimum of 450 feet from any occupied building on another lot.

27. Home Occupation, General. The provisions under "Home Occupation" in Section 313 shall apply.

28. Hospital

- a. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.
- b. More than one access road of at least 20 feet in width shall be provided from such arterial or collector street.
- c. More than one fire exit shall be provided.
- d. All facilities shall be located on the ground floor, unless and elevator sufficient to accommodate rolling beds or litters provides access to other than ground floor levels.

29. Junk Yard (Includes Auto Salvage Yard)

- a. Storage of putrescent garbage that was not generated on-site shall be prohibited.

- b. All junk should be at least 200 feet from any adjoining lot.
- c. All junk should be at least 200 feet from any public highway, road, or street.
- d. The site shall contain at least 2 points of vehicle access, each of which is not less than 30 feet in width.
- e. The site shall be completely enclosed by a buffer yard, regardless of zoning district, which complies with the standards of Section 403.D.
- f. The burning or incineration of vehicles or junk shall be prohibited unless said burning is carried out in a completely enclosed incinerator approved by the D.E.P.
- g. All junkyards shall also comply with the provisions of Township Ordinance No. 15.

30. Kennel

- a. All buildings in which animals are housed and all runs shall be located at least 100 feet from all lot lines.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- c. Outdoor runs may be provided so long as a double evergreen screen at least 6 feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.
- d. A buffer yard meeting Section 403.D. shall be required between any kennel and any lot occupied by a dwelling unless existing mature trees covering land with a minimum width of 20 feet will be preserved between the kennel and the adjacent dwelling.
- e. If more than 50 dogs are kept on the lot at any one time, then a minimum setback of 200 feet shall apply for any building or outdoor area used for the keeping of dogs or outdoor pens or runs from any lot line of a lot occupied by a dwelling that is not in common ownership with the kennel.
- f. If a kennel is required to obtain a State license as a kennel, and such State license expires, is suspended or revoked, then the Township zoning permit for the kennel shall also automatically be invalid during such period of time.

31. Laundry / Laundromat. Centralized sewage disposal facilities and centralized water supply facilities shall be provided.

32. Lumber Yard. Shall be on a lot abutting an arterial or collector street (as defined by the Official Street Classification Map).

33. Manufactured (Mobile) Home Park

- a. Shall have a minimum tract size of 5 acres and a maximum overall density of no more than 5 manufactured homes per acres.
- b. Shall have centralized sewer and water.
- c. Shall have a 20 foot buffer yard around the perimeter of the site.
- d. All applicable provisions of the Township Subdivision and Land Development Ordinance shall be complied with.

34. Mineral Extraction

- a. The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent properties or the well being of the surrounding area and its residents.

- b. The site shall be reclaimed to a non-hazardous state permitting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.
- c. A buffer yard shall completely enclose the site, regardless of zoning district, which complies with all of the standards of Section 403.D. (except such buffer yard shall be at least 50 feet in width) and shall be set back from adjacent properties by at least 100 feet and from residential structures by at least 200 feet (or such greater distance as may be required by site conditions to protect adjacent properties as determined necessary by the Zoning Hearing Board).
- d. Unique or environmentally significant natural features and significant historic or architectural structures and sites shall be protected from disruption or adverse effects from quarrying and /or mining activities.

35. Motor Vehicle Race Track

- a. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible from within a dwelling on another lot.
- b. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
- c. The use shall also meet the other performance standards of Sections 512, 513 and 514 of this Ordinance.
- d. The area used for racing of vehicles shall be setback a minimum of 250 feet from any residential lot.

36. Paper / Pulp Mill – Minimum lot area – 10 acres.

37. Place of Worship – Shall be on a lot at least 2 acres in area, unless it is within the C Commercial District.

38. Reserved.

39. Public or Private Primary or Secondary School – Two acre minimum lot size, plus one acre for each 100 students.

40. Restaurant

- a. Shall screen all trash containers.
- b. Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives.
- c. May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles.

41. Self-Storage Development

- a. All storage units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by a locking device.
- b. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. ALL such items must be licensed and inspected (if applicable), and in operable condition.
- c. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored.

- d. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.
- e. Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
- f. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.

42. Slaughter House

- a. There shall be a minimum of a 10 acre lot size.
- b. The buildings where slaughter takes place shall not be located closer than 200 from all property lines except the dwelling of the owner or lessee, and no closer than 500 feet from an existing dwelling or an approved residential subdivision.
- c. The slaughterhouse shall comply with all applicable State and Federal Regulations.

43. Solid Waste Disposal Area/Facility

- a. This term shall include a Solid Waste Transfer Facility, Solid Waste Landfill, or Solid Waste-to-Energy Facility.
- b. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.
- c. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any of the following: a RS-R district, a S-R district, a residential district in another municipality, a perennial creek, a publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- d. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- e. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- f. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
- g. Open dumps and open burning of refuse are prohibited.
- h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
- i. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
- j. A chain link or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening, and/or shade trees as needed shall be used to

- prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- k. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
 - l. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
 - m. Attendant. An attendant shall be present during all periods of operation or dumping.
 - n. Gates. Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.
 - o. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - p. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
 - q. Any storage of used tires shall be divided into separate piles so that each pile contains a maximum of 200 tires and that are separated by other tires by a minimum of 50 feet. No tires shall be stored on site for more than 30 days and shall be limited to storage of tires that are awaiting imminent disposal or re-use. Unless the tires are shredded, the tires shall be covered by a material that avoids the presence of standing water inside the tires.
 - r. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - s. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - t. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
 - u. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
 - v. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.

44. Stable or Riding Academy

- a. The use shall be conducted on a lot at least 10 acres in size.

- b. No new barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 500 feet from all dwellings except the dwelling of the owner or lessee, or from all Residential District boundaries.
 - c. No additions to existing barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 150 feet from all property lines, Residential District boundaries, and dwellings except the dwelling of the owner or lessee.
45. Swimming Club or Non-Household Swimming Pool.
- a. All pools shall be entirely enclosed with a good quality chain-link or preferably a wooden or other equivalent fence of not less than 6 feet in height.
 - b. No loudspeaker or amplifying device shall be permitted which will project sound that can be heard inside a dwelling on another lot.
 - c. Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.
46. Treatment Center
- a. See definition in Section 202.
 - b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.
 - c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
 - d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
 - e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.
47. Trucking Company Terminal
- a. As a condition of special exception approval, the Zoning Hearing Board may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.
48. Warehouse or Wholesale.
- a. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, whole or distribution activity to be conducted.
 - b. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.
 - c. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall be permitted.
49. Wind turbine(s). Other than is Allowed as an Accessory Use by Section 313 (including but not limited to 2 or more wind turbines per lot, or a wind turbine as a principal use).

- a. The wind turbine shall be setback from the nearest occupied principal building on another lot a distance not less than 2 times the maximum height to the top of the turbine, unless a written waiver is provided by the owner of such building. The turbine height shall be the distance from the ground level to the highest point of the turbine rotor plane. The setback shall be measured from the base of the turbine to the nearest part of the occupied principal building. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- b. The audible sound from the wind turbine(s) shall not exceed 50 A weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base.
- f. All wind turbines shall be set back from the lot line a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such lot.
- g. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- h. The turbine shall include automatic devices to address high speed winds.
- i. Accessory electrical facilities are allowed, such as a transformer.
- j. The site plan shall shows the proposed facilities with the proposed total heights, existing buildings, lot lines, driveways, minimum setbacks, areas of woods proposed to be cleared and existing and proposed underground lines in the area of proposed activity.

50. Wireless Communications Facilities. It is the intent of this section to strike a balance between the needs of wireless providers but maintain local authority over decisions regarding the placement, construction and modification of wireless communications facilities. Towers and antennas shall be regulated or permitted pursuant to this Section, and shall not be regulated or permitted as essential services, public utilities, or private utilities. Upon the effective date of this Section, all new towers, antennas added to existing towers and new wireless communications facilities shall be subject to the provisions of this Section except for any tower, or antenna added to an existing tower which: (a) is less than 70 feet in height and is owned and operated by a federally licensed amateur radio station operator; or (b) is used exclusively as a "receive only" antenna.

- a. Each application shall contain the following information:
 - i. A copy of the FCC license of all proposed users of the facility.
 - ii. A legal description of the subject tract or parcel.
 - iii. A description of the tower including its design characteristics, the numbers and types of antennas which are proposed to be located on the tower, the color of the tower, whether the tower will be illuminated and whether the tower, if constructed, will accommodate co-location of additional antennas for future users and the number of such potential future users.

- iv. Documentation from the FCC, FAA and Pennsylvania Aeronautics Division, and any other federal or state entity which regulates the wireless communication facility, that if constructed, it would be in compliance with current regulations, including but not limited to the mandate of the Hearing Aid Compatibility Act and the Americans with Disabilities Act, or that the facility is exempt from those regulations.
 - v. A statement identifying the entities providing the backhaul network for the tower and any other cellular sites owned or operated by the applicant in the Township.
 - vi. Certification from a registered professional engineer that the tower, if constructed, has structural capability and would meet current standards for steel antenna towers and antenna supporting structures established by the Electrical Industrial Association / Telecommunications Industrial Association and any other regulatory body.
 - vii. An inventory of the applicant's existing towers, antennas or sites approved for towers or antennas within the Township, including specific information about the location, height and design of each tower, antenna or site.
 - viii. A site plan meeting the requirements of Section 103.D. of this Ordinance, and also showing the setback distance of the antenna or tower from all property lines, street right-of-way lines, its distance from the nearest residential unit and other existing wireless communication facilities located within the Township using exact global positioning satellites.
 - ix. A landscaping plan meeting the requirements of subsection g(vi) below and all other requirements of the Township.
 - x. Documentation from the Lehigh-Northampton Airport Authority that they are aware of the intent to locate a wireless communication facility.
 - xi. Certification with appropriate documentation from an engineer that an intermodulation analysis has been performed demonstrating that the proposed wireless communication facility will not cause undue interference to existing facilities or undue hardship to the health, safety and welfare of the community.
- b. Each application shall be accompanied by a deposit of \$5,000.00 which shall be used by the Township to contract with an independent consultant(s) to evaluate the application to determine whether the proposal meets all state and federal requirements, whether the use of existing towers or other structures would satisfy the functional requirements of the applicant and whether the proposal meets the requirements of this Section.
- c. For purposes of this Section only, in addition to the other requirements imposed by Section 112.A. of this Ordinance, notice shall be given to the Applicant, the Zoning Officer, the Commission, the Board of Supervisors, the property owners within 500 feet of the proposed lot upon which the wireless communications facility will be sited and any other person or group (including civic or community organizations) who has made a timely request for such notice, by personally delivering or mailing a copy of the published notice.

- d. The Applicant shall demonstrate, using technological evidence, that the wireless communications facility must be sited where proposed to satisfy its functional requirements.
- e. To encourage the co-location of wireless communications facilities, the applicant shall demonstrate that no existing tower or structure will accommodate the functional requirements because of the following:
 - i. No existing towers or structures are located within the geographic area;
 - ii. Existing towers or structures are of an insufficient height;
 - iii. Existing towers or structures have insufficient structural strength to support the proposed facilities;
 - iv. The proposed facilities would cause unacceptable electromagnetic interference because of other existing facilities; and
 - v. The fees, costs or contractual provisions required of the applicant by the owner of an existing tower or structure to share or adopt an existing tower or structure are unreasonable.
- f. The tower or antenna should be set back a distance equivalent to two hundred percent (200%) of the height of the tower. The setback lines shall be measured from the nearest property or lease lot lines and existing street right-of-way lines or the distance measured to the nearest property or lease line equal to the fall zone.
- g. The following requirements apply to proposed towers:
 - i. The applicant shall provide certification from a registered professional engineer that the tower would meet the wind resistance requirements, stated in the applicable version of the International Construction Code. The registered professional engineer shall also certify to the overall structural integrity of the tower.
 - ii. For all towers exceeding 200 feet in height, the applicant shall provide documentation of FAA approval. For towers of 200 feet or less, the requirements of 14 C.F.R. Part 77.13(a), as amended, must also be met.
 - iii. No tower shall be artificially lighted except when required and approved by the FAA or other regulatory agency. Where lighting is required by a regulatory agency, the applicant must provide written documentation that the proposed lighting is the minimum mandated by that agency.
 - iv. A minimum of 2 off-street parking spaces shall be provided for each tower.
 - v. The base of the tower shall be surrounded by a secure fence, with an anti-climbing device, with a minimum height of 8 feet.
 - vi. Landscaping shall be required and shown on the site plan to screen the fence surrounding the tower and any other ground level features, including buildings or parking areas. The landscaping shall consist of evergreen plantings with a minimum height of 6 feet at planting, a minimum of 4 foot wide, planted 10 feet on center maximum, and with an expected growth of a minimum of 15 feet at maturity. Existing mature tree growth and natural land forms on the site shall be preserved to the greatest extent possible.
 - vii. The towers shall have a galvanized steel finish and be painted a neutral color, unless the regulatory authorities have provided documentation mandating to the contrary. All buildings and related

- structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and surrounding buildings and structures.
- viii. There shall be a separation distance of at least one-half mile between towers measured from the center of the base of the existing tower to the center of the base of the proposed tower.
 - ix. The fall zone shall be equal to 200 percent of the height of the tower. No structures other than a communications equipment building shall be placed within the fall zone.
- h. The following requirements apply to proposed antennas:
- i. The applicant shall provide certification from a registered professional engineer stating that the antenna meets the wind resistance requirements stated in the most current version of the BOCA National Building Code. The registered professional engineer shall also certify to the overall structural integrity of the tower and antenna.
 - ii. For any antenna resulting in a facility in excess of 200 feet in height, documentation of FAA approval shall be provided. If the facility is less than 200 feet in height, the antenna shall meet the requirements of 14 C.F.R. Part 77.13(a), as amended.
 - iii. No antenna shall be artificially lighted except when required and approved by the FAA or other regulatory agency. Where lighting is required by a regulatory agency, the applicant must provide written documentation that the proposed lighting is the minimum mandated by that agency.
 - iv. Where an antenna is to be installed on a structure other than a tower, the antenna and any supporting electrical and mechanical equipment must be of a neutral color that is identical to, or compatible with, the color of the supporting structure.
 - v. Where an antenna is to be installed on a tower or mounted on a utility or light pole, any communications equipment building proposed on the lot shall be no greater than 200 square feet of gross floor area and no more than 10 feet in height. A dense planting screen with a planted height of at least 6 feet shall screen the communications equipment building.
 - vi. Where an antenna is to be mounted on a structure or rooftop, any communications equipment building proposed on the lot shall be no greater than 100 square feet of gross floor area and no more than 10 feet in height. If the structure or rooftop is less than 65 feet in height, any proposed communications equipment building must be located on the ground. If the communications equipment building is located on the rooftop, the area of the communications equipment building shall be less than 20 percent of the total rooftop area.
- i. No signs except those mandated by regulatory bodies shall be permitted on the lot where the tower or antenna is to be located.
 - j. Within 45 days of the decision of the Zoning Hearing Board, the Township shall provide an itemized statement of expenses incurred by its independent consultant(s). Any used monies shall be returned to the applicant.
 - k. As a condition to obtaining a zoning permit, the applicant agrees to the following:

- i. To carry with insurance companies with an A.M. Best rating of at least A- or 6, liability insurance for its use and activities on the proposed lot, which coverage shall be a minimum coverage of \$500,000.00/\$1,000,000.00 for personal injury, property damage and/or death, and shall furnish to the Township a Certificate of Insurance evidencing its compliance with this requirement.
- ii. If the wireless communications facility is located on property owned or leased by the Township, then in that instance alone, to indemnify and save harmless the Township, its officers, agents and employees, from any and all claims for damages asserted by anyone as a result of injury to person or property, loss or damage resulting from it or in any way related to the approval given or to the activities conducted on the proposed lot.
- iii. That if the tower or antenna remains unused for a period of 12 consecutive months, the applicant, owner and/or operator, shall dismantle and remove the tower or antenna within 90 days of notice to do so by the Township. Security shall be posted, in a form acceptable to the Township in its favor in such amount to remove the wireless communications facility and site clean-up, which security may be utilized by the Township in the event the Applicant, owner and/or operator fails to remove it within 90 days of notification from the Township. If there are 2 or more users of a single tower, then this condition shall not become effective until all users have abandoned the tower or antenna. The amount of security shall be determined by the Zoning Officer and shall be payable before the issuance of any permit.
- iv. That annually, the Township, through its independent consultant, shall inspect the wireless communications facility to verify that it is constructed, maintained and functioning in accordance with the approval given by the Zoning Hearing Board. The owner and/or operator shall be billed 60 days in advance of the inspection date, and the failure to remit payment to the Township in advance of the inspection date shall be conclusive evidence that the owner and/or operator has abandoned the use permitted by the special exception.
- v. That within 10 days of completion of the wireless communication facility, a registered professional engineer shall certify, in writing, to the Township that the wireless communications facility has been constructed pursuant to the approval given by the Zoning Hearing Board, and the requirements of this Zoning Ordinance.

313. **ACCESSORY USES.**

- A. **In General.** An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.
- B. **Yard Requirements.** Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.
- C. **Special Standards.** Each accessory use shall comply with all of the following standards listed for that use:

1. Bus Shelter. Bus shelters may be erected and maintained for the convenience and safety of school children and resident commuters in any zoning district of Upper Milford Township on the following terms and conditions:
 - a. Shelters shall not exceed 7 feet in width, 8 feet in length (depth), and 7 feet in height and shall be set upon and firmly anchored to reinforced concrete pads at least 4 inches thick. A mud-free approach from the side of the street on which the shelter fronts to the shelter itself shall be installed.
 - b. Shelters shall in all cases be located on private property.
 - c. No shelter shall be erected on private property without the owner or owners of such private property having first given written permission or lease authorizing the erection and maintenance of the shelter thereon.
 - d. Shelters erected for the convenience of the school children shall be erected only at locations designated as official school bus stops by the Board of Directors of East Penn School District or the Board of Directors of such other school district of which Upper Milford Township shall be a part. Shelters erected for the convenience of resident commuters shall be erected only at locations approved by the Board of Supervisors, upon Planning Commission recommendation; provided, however; that there shall be a distance of at least 1000 feet between shelters regardless of the purpose for which they are erected.
 - e. Shelters erected between intersections shall be located at least one foot back from the legal right-of-way line (property line) of the street intersection properties where the side of the shelter is less than 50 from the legal right-of-way line (property line) of the street at the side of shelter shall be set back at least 15 feet from the legal right-of-way line (property line) of the street on which the shelter fronts. Shelters shall also be located at least 15 feet away from the side property lines of the property on which the shelter is located unless the owner of the adjoining property gives written permission of consent to have said shelter placed closer than 15 feet from said side property line.
 - f. Shelters may bear advertising displays not exceeding 32 square feet in size on each side of the shelter; provided, however; that advertisement of intoxicating beverages or tobacco products shall not be displayed on any shelter.
 - g. Shelters shall at all time be property maintained and kept in repair by the owner thereof. They shall be kept clean, free of papers and debris, and free of obscene writings and marking on any part thereof.
 - h. The owner of each shelter shall cause the same to be covered by liability insurance issued by a reputable insurance company insuring the owner of the shelter, the owner of the land on which the shelter is erected, and the Township of Upper Milford against any and all liability for personal injury, death or property damage. The limits for coverage for such insurance policy shall be \$250,000 to \$300,000 for each occurrence. The Township of Upper Milford shall be furnished a certificate by the company issuing such policy certifying that such policy has been purchased, that it is in full force and effect, and that the same will not be cancelled without the Township of Upper Milford first being given ten days' prior written notice of the intention to cancel said policy.
 - i. No shelter shall be erected until the Zoning Officer shall have issued a permit authorizing such erection. Application for such permit shall be made to the Zoning Officer on a form prescribed by him, which application for shall be accompanied by: a) a copy of a written lease signed by the owners of the ground on which the shelter is to be erected authorizing such erection; b) a

- picture or diagram of the proposed shelter indicating the dimensions thereof;
- c) a plot plan showing the location of the proposed shelter on the private property and indicating the setback of said side street; d) in the case of shelters erected for the convenience of school children, a certification from the proper school district officials certifying that the proposed location is an official school-bus stop; and e) a Permit Fee of \$2.50.
- j. The Zoning Officer may order the removal of any shelter which a) is not properly maintained and kept in repair; b) is erected or maintained contrary to the terms of this Ordinance; c) is no longer covered by insurance as herein required; d) is located on private property for which a valid lease is no longer in existence; and e) when the location at which the shelter is situated has ceased to be an officially designated bus stop for a period of 3 years. In the event that such removal is ordered, the shelter shall be removed and the premises restored to its original condition within 30 days of said order of removal.
- k. Upon removal of any shelter, whether such removal is voluntary on the part of the owner thereof; or is ordered by the Zoning Officer as herein provided, the same shall be completely dismantled and removed so that no part of the same remains at its former location and the property on which it was located shall be restored to the original condition in which it was immediately prior to the time said shelter was first erected.
2. Commercial or Industrial Outdoor Storage and Display.
- a. Location – Shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required parking area, or part of the required front yard.
- b. Size – Shall occupy an area less than one-half the existing building coverage. A Special Exception may be authorized by the Zoning Hearing Board for no more than 25 percent of the lot area to be used for outdoor storage or display.
3. Drive-through Facilities.
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation and parking areas shall be clearly marked.
- c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
4. Dwelling Unit as an Accessory Use to a Nonresidential Use.
- a. No more than one dwelling unit shall be permitted for any nonresidential principal use.
- b. The floor area of the dwelling unit shall not exceed the floor area of the nonresidential use (if primarily within a building) of 50 percent of the ground area of the nonresidential use (if primarily outdoor).
5. Farm Pond.
- a. The developer of any farm pond shall obtain all required State and Federal Permits.
- b. No farm pond shall be of such a size or character as to create any dangerous, noxious or objectionable condition.

6. Farm Based Business. This use may be approved on a lawful existing lot with a minimum lot area of 25 acres that include a principal agricultural use.
 - a. A Farm-Based Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-Based businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
 - b. A Farm-Based Business shall be conducted by a resident or owner of the property, his/her "relatives", and a maximum total of 4 other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a barn 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.
 - c. To the maximum extent feasible, a Farm-Based Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Based Business. Any new building constructed for a Farm-Based Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Based Business shall not exceed 6,000 square feet. This 6,000 square foot limit shall only apply to buildings constructed after the effective date of this Ordinance. A Farm-Based Business may also use buildings of any size that existed prior to the effective date of this Ordinance. The total area used by the Farm-Based Business, including parking, shall not exceed 3 acres.
 - d. The Farm-Based Business shall not routinely require the overnight parking of more than 2 tractor-trailer trucks, other than trucks serving the agricultural use.
 - e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
 - f. The Business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
 - g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products.
 - h. Only one sign shall advertise a Farm-Based Business, which shall have a maximum sign area of 10 square feet on each of two sides, and which shall not be internally illuminated, and which shall have a maximum height of 6 feet.
 - i. The following activities, and activities that the applicant proves to the Zoning Hearing Board are closely similar, shall be permitted as Farm-Based Businesses:
 - i. farm equipment or farm vehicle repair;
 - ii. occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting;
 - iii. welding and custom machining of parts;

- iv. sale, processing, or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost;
- v. barber/beauty shops;
- vi. construction tradesperson's headquarters;
- vii. music, hobby, trade or art instruction for up to 10 persons at a time;
- viii. small engine repair;
- ix. custom woodworking or wood refinishing;
- x. custom blacksmithing or sharpening services;
- xi. rental storage of household items, vehicles, boats and building materials;
- xii. boarding of animals, not including a kennel or a stable (which are separate uses);
- xiii. custom butchering, not including a commercial slaughterhouse or stockyard;
- xiv. processing and storage of agricultural products;
- xv. sawmill; or
- xvi. commercial farm tourism and special events, such as farm tours and Halloween activities.

See also Stable, Non-Household and Retail Sales of Agricultural Products, which are treated as separate uses.

- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
- k. If an activity would be permitted as either a Farm-Based Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.
- l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
- m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
- n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
- o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
- p. The lot shall have provisions for trucks to turn around on the site without backing onto a public street. When special exception approval is required, the Zoning Hearing Board shall consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.

7. Heliport.

- a. The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing a heliport.
- b. The Federal Aviation Administration shall have granted approval for the use of the air space.

8. Home Occupation, Major or Minor.
 - a. The home occupation shall not be conducted on the premises outside of a building.
 - b. The home occupation shall not exceed 25 percent of the floor area of the principal dwelling unit.
 - c. There shall be no outside storage of materials.
 - d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than 2 square feet in size constructed and placed in accordance with Article 6.
 - e. No more than one employee may work on the premises at the same time who are not residents of the principal dwelling unit.
 - f. No servicing by truck in excess of 3 times per week shall be permitted.
 - g. Uses permitted as a home occupation include: art studio, barber shop, beauty shop, professional office, and instruction of not more than 4 pupils simultaneously (or in case of musical instruction, not more than 3 pupils simultaneously).
 - h. The following uses shall not be permitted as a home occupation: animal hospital, stable, kennels, funeral parlor, retail store or restaurant.
 - i. No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.
 - j. Parking and Loading – Adequate space for off-street parking and loading shall be provided in accordance with Article 6 of this Ordinance.
 - k. Building Appearance – There shall be no reduction in the existing outside residential appearance of the building or premises or other visible evidence of the conduct of a home occupation. Outdoor storage of material and equipment shall be prohibited.
 - l. Nuisance – No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.
 - m. Business Vehicles – A maximum of 2 vehicles, which are used for a home occupation shall be permitted on the lot of the home occupation. No one vehicle shall exceed 10,000 pounds. Nor shall the combined vehicle (motorized or non-motorized such as a trailer or equipment) that is attached together exceed 10,000 pounds.
 - n. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Minor Home Occupation:"
 - i. The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
 - ii. The use shall only involve the following activities:
 - a. work routinely conducted within an office,
 - b. custom sewing and fabric and basket crafts,
 - c. cooking and baking for off-site sales and use,
 - d. creation of visual arts (such as painting or wood carving),
 - e. repairs to and assembly of computers and computer peripherals, and
 - f. a construction tradesperson, provided that no non-resident employees routinely operate from the lot.
9. Keeping Animals or Fowl. (NOTE: This does not pertain to Animal Husbandry as a principal use which is regulated by Section 311.B.2.)

Upper Milford Township Zoning Ordinance - As Adopted March 18, 2010

a. The maximum number of animals permitted on a lot shall be as follows:

	AC, R-A, CON District	RS-R, C, I, V Districts	S-R Districts
Customary Household Pets and Domestic Animals*	5	5	5
Rabbits / Large Fowl**	25	14	14
Smaller Fowl***	25 Pair	25 Pair	25 Pair
Large Animals****	1 per 3/4 acre of lot with 10 maximum with a minimum lot size of 1-1/2 acres	1 per acre of lot with 5 maximum with a minimum lot size of 2 acres	*****
* Such as dogs, cats, etc.			
** Such as chickens, turkeys, etc.			
*** Such as pigeons and quail.			
**** Such as cattle, horses, goats, pigs, etc.			
***** Under special circumstances large animals may be permitted in the S-R District as a special exception, pursuant to the provisions of Section 312.			

- b. 6 or more adult dogs or cats shall constitute a kennel.
- c. Commercial Use. Commercial breeding or use of animals shall not be permitted under this use.
- d. Animals shall be kept under control on the owner's property.
- e. No large animals or large fowl shall be housed or permitted to congregate within 50 feet of a property line and within one hundred (100') feet of an adjacent residential dwelling. Manure shall be covered and stored at least 50 feet from the property line; and storage of large amounts and concentrations of manure shall be prohibited.
- f. No small fowl shall be housed or permitted to congregate within the required front, side or rear yards.
- g. No manure shall be stored within 100 feet of a private water supply and no manure shall be spread on lawns.
- h. No objectionable sounds shall extend beyond the property line. Buildings, which house animals or fowl, shall be adequately soundproofed so sounds are not objectionable at the property line.
 - i. Lofts or other structures used to house animals or fowl shall be maintained in a clean, orderly condition and kept in good repair.

10. Noncommercial Swimming Pool. A commercial swimming pool designed to contain a water depth of 24 inches or more shall not be located, constructed, or maintained on any lot or land area except in conformity with the following requirements:

- a. Permit – A Zoning Permit shall be required to locate, construct or maintain a noncommercial swimming pool; the permit must be certified by the Sewage Enforcement Officer.

- b. Location – Such pool shall be located in a rear or side yard only. No above or in-ground pool shall be located within 15 feet of a side or rear lot line or under any electrical lines, or over any-lot sewage disposal field or system.
- c. Fence – Every in-ground noncommercial swimming pool shall be entirely enclosed with a childproof fence of not less than 4 feet in height equipped with a self-closing and self-latching gate. Above ground pools shall not require a fence, but shall require a self-closing and self-latching gate to any pool access platform.
- d. Water – If the water for such pool is supplied from a private well, there shall be non cross-connection with the public water supply system. If the water for such pool is supplied from the public water system, the inlet shall be above the overflow level of said pool.
- e. Drainage – The draining of all pools shall occur in a manner that does not cause soil erosion and does not directly drain the water into a perennial creek.
- f. Noise – No loudspeaker or amplifying device shall be permitted which will project sound that can be heard inside a dwelling on another lot.
- g. Lighting – Lighting perceptible beyond the property line shall be minimized in accordance with Section 514 of this Ordinance.

11. Recreational Vehicle, Parking of One. No recreational vehicle or unit shall be stored for a period of 3 consecutive months within a front yard or within 10 feet of a side yard or a rear yard line.

12. Residential Accessory Building, Structure or Use. Permitted residential accessory buildings, structures or uses includes:

- a. Fences and Walls –
 - i. Fences and walls in the required side and rear yard areas shall not exceed 6 feet in height (except tennis court fences which shall not exceed 10 feet in height), and shall be at least 2 feet from a lot line or easement line unless the abutting property owner agrees in writing to allow it to be closer.
 - ii. Fences or walls placed in the required front yard shall not exceed 6 feet in height and shall be no closer than one feet to a property line.
- b. Building –
 - i. An accessory building or a swimming pool shall not be allowed in the minimum required front yard. If an accessory building intrudes into the minimum rear or side yard for a principal building, then subsection (ii) below shall apply.
 - ii. Accessory structures may be located within the required side and rear yard as follows:

Size of Accessory Structure	Height Requirements	Required Side and Rear Yards*
Up to 144 square feet	Not-to-exceed 10 feet	Located up to within 5 feet of a side or rear property line.
Over 144 square feet	Not-to-exceed 20 feet	Located up to within 10 feet of a side or rear property line.
*Note: In some zoning districts the above yards may be permitted at a lesser distance if allowed by the particular zoning district.		

13. Retail Sale of Agricultural Products.
 - a. The use shall be an accessory use incidental to the agricultural use, agricultural industry or orchard.
 - b. A minimum of 25 percent of the products offered for sale shall have been produced by the operator of the sales, his / her relatives and/or on other farms within Upper Milford Township.
 - c. The building or area where products are displayed or sold shall be at least 50 feet from an intersection and shall be at least 20 feet from the cartway.
 - d. Parking shall be provided in compliance with the provisions of Article 7.

14. Seasonal roadside produce market. Roadside produce markets for the sale of dairy, farm, or nursery products are permitted with the following restrictions:
 - a. Size – The area where products are displayed or sold shall not exceed 800 square feet.
 - b. Location – The stand shall be at least 50 feet from an intersection, and shall be at least 20 feet from the cart-way.
 - c. Removal in Off-Season. The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale.
 - d. Parking – Parking for vehicles shall be provided off the existing and future right-of-way and in compliance with provisions of Article 7.

15. Solar Energy System. No solar energy system shall deny solar access of existing active solar collection devices on adjacent lots. Solar energy collectors attached to the roof of a building may exceed the maximum height limit by 10 feet.

16. Temporary Structure or Use. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:
 - a. Duration – The life of such permit shall not exceed one year and may be renewed for an aggregate period of not more than 2 years.
 - b. Removal – Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If not removed by the owner upon expiration of the permit, the Township may remove such structure or use and recover the costs for the removal from the owner.

17. Tennis Court.
 - a. A tennis court shall not be located in front of the principal building and shall not be located within any required yard areas.
 - b. No lighting shall shine directly beyond a boundary of the lot where the tennis court is located.
 - c. Noise levels shall comply with Section 511 of this Ordinance.
 - d. A tennis court shall not be located on a drainage field of a sewage disposal system.

18. Wind turbine, Maximum of One Per Lot as accessory use, that is primarily intended to generate electricity for on-site use.
 - a. All Wind turbines shall be set back from the lot line a minimum distance equal to the total height to the top of the maximum extended turbine blade, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such adjacent lot.

- b. The audible sound from the wind turbine shall not exceed 50 A weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine is no longer used to generate electricity.
- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base.
- f. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- g. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- h. In a CON, R-A, RS-R, S-R, VC or VR district, the maximum total height above the ground level to the tip of the extended blade shall be 85 feet, except it may be 100 feet if the turbine will be setback more than 200 feet from any lot line. In any other district, such maximum height shall be 150 feet.
- i. All new electrical wiring leading from a wind turbine shall be located underground.
- j. A plot plan shall be submitted which shows the proposed facilities with the proposed total
- k. height, existing buildings, lot lines, minimum setbacks, areas of woods proposed to be cleared
- l. and existing and proposed underground lines in the area of proposed activity.

ARTICLE 4 GENERAL REGULATIONS

401. **FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS;
MINIMUM SIZE OF DWELLINGS.**

- A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.
- B. Number of Principal Uses and Principal Buildings Per Lot.
1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
 - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
 2. A lot within a residential or R-A district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
 - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met.
 - b. A lot may include a dwelling unit and one allowed non-residential use, such as a Christmas Tree Farm.
 - c. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law. Each principal condominium building shall be laid out so that each building would be able to meet the dimensional requirements of this Ordinance as if the building was on its own fee simple lot.

3. An applicant may prove to the Zoning Officer that a use listed as a principal use in this Ordinance is actually functioning as an accessory use.
 4. If differing dimensional requirements apply for different uses on the lot, then the most restrictive provision shall apply.
- C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.
- D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.
402. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, wind turbines (provided they meet Section 312), skylights, agricultural silos and related equipment, solar energy collectors and mounting devices, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.
- A. See also definition of "Height" in Section 202 and provisions in Section 305.
 - B. However, structures approved to exceed the height requirement shall not restrict solar access to active solar collection panels on another lot.
403. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**
- A. In General.
 1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
 2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.
 - B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.
 1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 202.
 2. Projections Into Required Yards.
 - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of

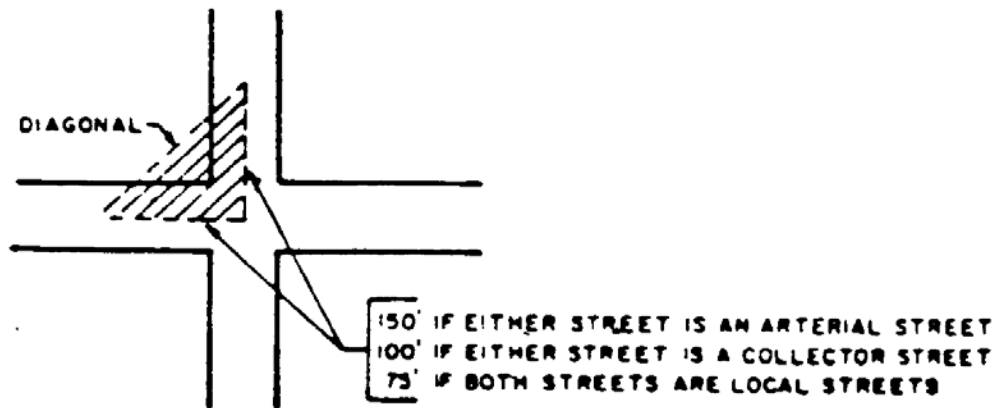
egress, rain leads, chimneys, "Bilco"-type doors for basement access, window awnings, chaise for heating

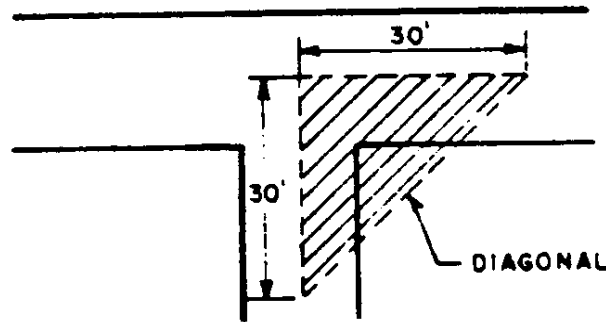
- b. pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
- c. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
- d. For decks and porches, see Section 305.

- 3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 300 feet, the minimum lot width at the minimum building setback line may be reduced to 40 percent of the width that would otherwise be required.

C. Sight Clearance at Intersections.

- 1. At the intersection of two streets, and at the intersection of a commercial driveway and a street, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 2 feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the street centerlines, and a third diagonal leg connecting the two legs to form a triangle. Two legs that are each 150 feet long shall extend from the intersection of street centerlines if either street is an arterial street. Two legs that are each 100 feet long shall extend from the intersection of the street centerlines if either street is a collector street and no arterial streets are involved. The two legs shall be 75 feet from the intersection of the street centerlines if both streets are local streets.
 - a. However, in place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to 300 feet and the leg along the local street shall be decreased to 15 feet beyond the travel lane of the arterial or collector street.
 - b. The clear sight triangle shall be kept free of such obstructions in perpetuity.





2. Clear Sight Triangle at Driveway Intersections.

- a. A triangular clear sight triangle as described in "1." above shall be provided where a driveway or accessway enters onto a street. Such triangle shall be 30 feet long along the centerline of the street and along the centerline of the accessway or driveway, with a third diagonal longer leg connecting the two legs together.

D. Buffer Yards. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:

1. A minimum 20 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling.
 - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 40 feet, and the minimum initial height of plantings shall be increased to 6 feet.
 - b. If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this Section.
 - c. A 20 feet minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street.
 - d. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street:
 1. Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
 2. Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.

3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
4. Fence. The Township may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
5. Each planting screen shall meet the following requirements:
 - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 2 years a mostly solid year-round visual screen at least 6 feet in height.
 - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - d. The plant visual screen shall extend the full length of the lot line, except for: a) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.
 - e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
 - f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
 - g. The plant screening shall primarily use evergreen trees.
 - h. The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard if the required width is not feasible.
6. Buffer Yard Plans.
 - a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - 1.the location and arrangement of each buffer yard,
 - 2.the placement, general selection of species and initial size of all plant materials, and
 - 3.the placement, size, materials and type of all fences to be placed in such buffer yard.

404. LANDSCAPING.

- A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall

be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

B. See also the buffer yard provisions in Section 403.

C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 6 or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
2. Location. Such trees may be placed immediately outside of the street right-of-way, or an alternative location acceptable to the Township.
3. Such street trees shall be planted in a manner approved by the Township to avoid conflicts with sidewalks and utilities.
4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
5. The street trees shall meet the requirements of Section 404.D.
6. This requirement for street trees shall not apply for an agricultural or single family detached residential lot of more than 3 acres.

D. Parking Lot Landscaping.

1. A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
3. Deciduous trees required by this section shall meet the following standards:
 - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Township that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - Red Maple	Quercus - All species of oaks
Acer saccharum - Sugar Maple	Sophora japonica - Scholar Tree/Pagoda Tree
Carpinus betulus - European Hornbeam	Tilia americana - American Linden
Celtis occidentalis - Common Hackberry	Tilia cordata - Little Leaf Linden
Fagus sylvatica - European Beech	Tilia euchlora - Crimean Linden
Fraxinus americana - White Ash	Tilia petiolaris - Silver Linden
Fraxinus pennsylvania - Green Ash	Ulmus hybrids - Homestead or Sapporo Autumn Gold
Ginko biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)	Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm
Gleditsia triacanthos - Thornless Locust	Zelkova serrata - Zelkova
Liriodendron tulipifera - Tulip Poplar	
Ostrya virginiana - Hop Hornbeam	

Note- This ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. **Quality of Trees.** Required trees shall be of symmetrical growth and free of insect pests and disease.
 - c. **Minimum Size.** The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
 - d. **Planting and Maintenance.** Required trees shall be:
 - 1. planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
 - 2. properly protected by curbs, curb stops, distance or other devices from damage from vehicles.
- E. **Green Area Around Trees.** A minimum vegetative area shall be provided that includes at least a 3 feet minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted abutting a street, a minimum vegetative area shall be provided that is not less than 3 feet wide and 3 feet long surrounding the tree. In each case, a minimum land area of 12 square feet of vegetative area shall be provided around each required tree.
- F. **Review and Approval.** Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- G. **Landscape Maintenance.** All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- H. **Stormwater Basin Landscaping.** The following requirements shall apply to landscaping within and around stormwater management basins covering more than 20,000 square feet in land area:
- 1. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
 - 2. Trees and shrubs shall be planted around stormwater basins that cover more than 5,000 square feet of land and that are not designed to resemble natural ponds. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin. A minimum average of 2 trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Trees shall have an initial trunk diameter of 2 inches, measured 6 inches above the ground. Shrubs shall have an initial height of 4 feet.
 - 3. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Township Engineer.

405. **FUTURE RIGHT-OF-WAY WIDTHS FOR ROADS.**

A. Purposes. Minimum future right-of-way widths are established for roads where the existing right-of-way is less than that indicated in Section 405.C. for the particular class of road.

B. Measurement.

1. The future right-of-way shall be measured from the centerline of the existing road.
2. All front yards and other appropriate yards shall be measured from the future right-of-way line.
3. See the classification of each road/street in the Appendix.

C. Minimum Widths. Minimum Future right-of-way are as follows:

Street Classification	Minimum Future Right-Of-Way
Arterial Highway	80'
Collector Street	60'
Local Street	50'
Private Street	50'

Greater width may be required in accordance with use intended, such as if right-turn and left-turn lanes are needed.

D. Dedication. Land within a future right-of-way shall be kept free of buildings, parking, storage and other uses that could obstruct the use of the right-of-way for future road improvements, utilities, pedestrian/bicycle improvements and/or stormwater improvements. PennDOT may require a dedication of part or all of the future right-of-way width along a State road. Land within a future right-of-way may be requested by the Township to be dedicated to the Township or to be reserved for future dedication when a need may arise.

406. **FRONTAGE DEVELOPMENT ALONG ARTERIAL AND COLLECTOR STREETS.** In order to encourage the sound development of frontage along arterial and collector streets (see Appendix) and to minimize traffic congestion and hazard, the following special provisions shall apply:

A. Off-Street Parking and Loading. All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, planting strip, wall, or other suitable barrier against access-ways or access roads which supply entrance to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot.

B. Access. Each use with less than 100 feet of frontage on an arterial or collector street shall have not more than one access-way to each such street, and no business or other use with 100 feet or more of frontage on an arterial or collector street shall have more than two access-ways to any one street for each 300 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway in order to avoid direct access to an arterial or collector street.

- C. Planned Developments. In the case of a planned development, shopping center, office complex, group of multiple family dwellings, or similar grouping of principal buildings on a lot, and in any other case where practicable:
1. Each principal building shall front upon a marginal access street, service road, common parking lot, or similar area and not directly upon a public street.
 2. Each point of vehicular access to and from a public street shall be located at least 200 feet from the intersection of any public street right-of-way lines, provided that such point of vehicular access which converts a "T" intersection into an intersection of two streets which cross one another shall be permitted.
 3. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Township.
 4. All streets and accessways shall conform to the specifications determined by the Township Engineer and the requirements of the Township Subdivision and Land Development Ordinance. Provisions shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where deemed necessary by the Township Engineer.
 5. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Township.
- D. Reverse Frontage Encouraged. Direct vehicular access from individual lots abutting arterial or collector streets shall be strongly discouraged and reverse frontage shall be encouraged.

407. **NONCONFORMITIES.**

- A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- B. Continuation of Nonconformities.
1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
 2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 407.D.
1. Nonconforming Structure.
 - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

1. that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, or
 2. that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. below.
 - b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
 - c. As a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow a customary addition to such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot.
2. Nonconforming Lots.
- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
 1. The lot must be a lawful nonconforming lot of record;
 2. Minimum setback requirements shall be met;
 3. State and Federal wetland regulations shall be met;
 4. If a septic or well is used, the requirements for such shall be met.
 - b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.
3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
 - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.
 1. The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
 5. Nonconforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.
- D. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterward the building permit is issued and continues, and c) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a Nonconformity.
1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section in Section 407.D.
 2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.
- F. Changes from One Nonconforming Use to Another.
1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.
 4. A nonconforming use shall not be changed to a nonconforming Adult Use.

- G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

408. **SITE DESIGN GUIDELINES.** The following advisory guidelines are intended to assist the applicant in the preparation of site and building plans and to assist the Township in reviews.

- A. Relation of Proposed Buildings to the Surrounding Environment. Relate proposed structure(s) harmoniously to the terrain. Seek compatibility and logical transitions between existing and proposed uses, create focal points with respect to avenues of approach, and relate open space between all existing and proposed buildings.
- B. Drive, Parking, and Circulation. For vehicular and pedestrian circulation (including walkways, interior drives, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, stacking capacity at drive-through facilities, separation of main pedestrian crossings from the more heavily travelled vehicular routes.
- C. Surface Water Drainage. Comply with the Township stormwater management regulations to minimize flooding on other properties. Consider methods to allow stormwater to infiltrate into the ground, as opposed to running off the ground. Separate possible contaminates from stormwater runoff routes. Make sure that vehicle routes can properly function during heavy rains.
- D. Utility Service. Place cable, electric service and telephone lines underground, wherever possible. Locate above-ground utility structures to minimize their visibility and use earth-tone colors and landscaping around them when feasible.
- E. Signs. Avoid excessively bright or garish signage and avoid use of day glow colors. Minimize the height of signs and add landscaping around the base of larger signs.
- F. Special Features. Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
- G. Preservation of Landscape. Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure the grade changes are compatible with the general appearance of the neighboring developed areas. Strive to protect the serenity of the surroundings and restore the trees and soil to their condition before development.
- H. Solar Energy Use. Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.

409. **DUMPSTER SCREENING AND LOCATION.**

- A. Site plans submitted to the Township shall show the proposed location of any garbage dumpsters. The Township may require that such proposed location be modified to provide compatibility with adjacent uses.

- B. Garbage dumpsters shall be surrounded on at least 3 of 4 sides by a solid fencing, wall or landscaping if the dumpster would be visible from a street or a residential lot. This section is not intended to regulate temporary dumpsters for construction or renovation debris.

410. **TWO DWELLINGS ON A LOT.**

- A. The Township may approve two single family detached dwellings if one of the following sets of conditions are met:
 - 1. 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 barn, spring house or a similar historic building.
 - 2. Two single family detached dwellings may be allowed on a lot if the applicant proves to the satisfaction of the Township that the land could be subdivided in the future in a manner that would result in two conforming lots, each with their own dwelling unit, and if each dwelling unit has its own well, unless each dwelling unit is served by a public water system, and its own on-lot septic system, unless each dwelling unit is served by a public sewage system.

ARTICLE 5
ENVIRONMENTAL PROTECTION

501. **ENVIRONMENTAL PRESERVATION REQUIRED**

- A. All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
- B. All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.

502. **NUISANCES PROHIBITED.** No land or structure in any Zoning District shall be used or occupied in any manner that creates any:

- A. Dangerous, injurious, noxious, or otherwise objectionable condition;
- B. Fire, explosive, other hazards;
- C. Heat, electromagnetic or other radiation;
- D. Noise or vibration;
- E. Dust nuisance; or;
- F. Any other condition in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.

See also the Township Open Burning Ordinance.

503. **STEEP SLOPES.**

- A. Steep slopes are those slopes in excess of 15 percent (15 ft. vertical distance over 100 ft. horizontal distance).
 - 1. When a lot contains steep slopes, the lot shall meet one of the following conditions:
 - a. The lot must contain a minimum of contiguous area of slopes less than 15 percent equal to or greater than the minimum required lot area for the zoning district in which the lot is located. (Note: No non-contiguous areas and slopes less than 15 percent may be totaled to achieve the required minimum area. Furthermore, no areas of over 15 percent slope may be included in the minimum area); or
 - b. The lot area must be at least 3 acres (not including floodplains, wetlands or slopes in excess of 25 percent) and have a width of at least 225 feet.
 - 2. When a lot complies with Section 503A.1.(a), all development (excluding septic systems) shall occur in that area not in excess of 15 percent. When development is to occur in a steep slope area (i.e. 15% to 25%) the requirements of Sections 503A.3. and 503A.1.(b) shall be met.
 - 3. When a building site's natural grade exceeds 15 percent over a minimum building site area of 80 feet by 70 feet and/or when a steep slope over 15 percent will be disturbed, a site plan shall be submitted to the Planning Commission for review. The site plan shall:

- a. Include lot lines, a scale bar and north arrow, existing and proposed contours at 2 foot intervals for all slopes to 25 percent and 5 foot intervals for slopes over 25 percent, proposed site improvements, alterations, certification of ownership and acknowledgment of plan signed by owner or developer, and
 - b. Address sedimentation and erosion control measures, and site drainage.
 - c. The Zoning Officer may require the drawings to be prepared by a registered land surveyor, registered landscape architect or professional or engineer.
- B. No building shall be constructed or placed and no re-grading shall occur on areas with a slope of 25 percent or greater. If trees or other vegetation are removed from areas of 25 percent or greater slope, they shall be replaced with new trees and vegetation that serve the same purposes. See also limits on forestry on steep slopes in Section 311 and limits on tree cutting in Section 515. This Section 503 shall not apply to areas where that were re-graded prior to the enactment of this Ordinance and clearly did not have a naturally-occurring steep slope.

504. **AREAS WITH HYDRIC SOILS AND HIGH WATER TABLE SOILS.**

- A. Purposes. This section is intended to promote the public health, safety and general welfare and to minimize these losses by establishing provisions designed to:
1. Protect the long-term integrity of the structures constructed in the Township.
 2. Protect the water resources of Upper Milford Township.
 3. Prevent development or use of land in a manner tending to affect adversely the quality or quantity of water recharged to aquifers.
 4. Minimize adverse effects on the natural balance of soils, vegetation, natural drainage, and subsurface features which contribute to beneficial filtering of contaminants and recharge of waters to aquifers.
 5. Regulate or prevent the erection of structures or location of uses in areas which may have a substantial adverse effect on water quality by virtue of the creation, handling, or disposal of potentially harmful substances.
 6. Carry out Section 603(b) of the Pennsylvania Municipalities Planning Code, as amended, which allows zoning ordinances to permit, prohibit, regulate, restrict and determine uses of land, watercourses and other bodies of water; and protection and preservation of natural resources.
 7. Carry out Section 603(d) of the Pennsylvania Municipalities Planning Code, as amended, which allows zoning provisions which regulate the siting, density, and design of residential, commercial, industrial and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources.
 8. Recognize that Upper Milford Township is a unique hydrological entity in that a significant portion of Township residents rely on the groundwater supply as their sole source of potable water.
 9. Recognize that aquifers used for the water supply are mainly ground water or semi-confined aquifers which are recharged or replenished primarily from rainfall.
 10. Recognize that continued development in recharge areas which contain favorable soil, vegetative and hydrogeologic conditions which serve to replenish water table aquifers will decrease the recharge capacity because fewer natural areas will be available to absorb rainfall and will increase the volume and speed of surface water runoff, which in turn will increase the amount of water lost to streams and to evapo-transpiration.
 11. Recognize that the natural vegetation and soil associations within the high water table areas provide superior filtration of waters recharging the water table aquifers, therefore

reducing the amounts of natural and man-made contaminants reaching the groundwater supply.

12. Recognize that while certain types of development will have no adverse effects on the beneficial aspects of high water table areas, or may actually enhance positive qualities, uncontrolled development will cause substantial destruction of the potential abilities of this area to sustain adequate and quality water supplies for the current and future residents of Upper Milford Township.
- B. Any proposed use which may directly (by means of effluent discharge into the ground) or indirectly (through the leaching of stored materials) result in the pollution of the groundwater shall be prohibited from developing in any area which has a year round or seasonal high water table at a depth of less than 20 inches below the surface.
 - C. This section 504.C shall only apply to a lot that is submitted for its initial subdivision or land development approval after the effective date of this Section. For the purpose of calculating any minimum lot area, any lot developed in a site that contains soils having a water table less than 20 inches below the surface, as indicated by seasonal or actual water level observation shall have a minimum contiguous lot area of at least that required by the district, exclusive of that area located within the high water table area. No occupied structures (for example: a home basement, garage, shed, pool) shall be placed within the delineated high water table area of 20 inches or less.
 1. The lowest enclosed floor of a new occupied structure, including any basement, shall be built a minimum of 6 inches above the seasonal high water table elevation. Any occupied structure shall be constructed to limit the need for ground water pumping.
 - D. At time of building, high water table testing within the building envelope shall be required to be submitted with the building permit application. Water table elevation must be determined in accordance with the herein contained criteria in order to establish the lowest floor's elevation.
 - E. Investigations.
 1. The determination of a water table evaluation shall be made by a qualified soil scientist who is recognized as either:
 - a. an ARCPACS Certified Professional Soil Scientist (CPSS) or Certified Professional Soil Classifier (CPSC), or
 - b. a Professional Member of the Pennsylvania Association of Professional Soil Scientists (PAPSS).
 2. The Township may require that an on-site investigation or evaluation be conducted for the purpose of determining the presence of, location, and extent of a high water table if any of the following conditions exist:
 - a. there is evidence of surface water that persists for more than a two week period
or
 - b. "Waters of the United States" or "Waters of the Commonwealth of Pennsylvania" are present on the property or
 - c. there are other visual indicators of the presence of a high water table.
 3. The methodology of testing shall be in general conformance with the United States Department of Agriculture Natural Resources Conservation Service publication titled "Field Indicators of Hydric Soils in the United States, Version 6.0, 2006" or as may be subsequently revised. Test excavations shall be observed by a representative from the

Township, with limiting zone elevations measured by field survey tied to a site benchmark.

505. **DEVELOPMENT ALONG STREAMS AND WETLANDS.**

- A. Permits or approvals may be required for activity within or adjacent to a waterway from the State Department of Environmental Protection, the Army Corps of Engineers, the Federal Emergency Management Agency or other entities.
- B. Any street, driveway or utility crossing of a stream shall be approximately perpendicular to the stream, to the maximum extent feasible. As part of any street, driveway or utility construction within or adjacent to a stream, the applicant shall complete remedial measures to mitigate the impact upon the stream, including planting of trees and thick lower- level vegetation and use of best management practices.
- C. All lots adjacent to streams and wetlands shall contain a contiguous lot area that meets the minimum lot area required for that use and district exclusive of the stream and/or wetland area. If no alteration is proposed of any areas within 300 feet of hydric soil areas and other suspected wetland areas, then a detailed wetland delineation and a deletion of wetlands from minimum lot area is not required by this Zoning Ordinance.
- D. All areas within 50 feet from the top of the primary bank of a stream, natural lake or pond, or wetland shall not be occupied by any of the following: a building, vehicle parking, or business outdoor storage.
 - 1. Setback shall not apply to wetlands that the applicant proves to the satisfaction of the Township Engineer were clearly man-made, such as within detention basins or man-made drainage ditches constructed as part of an approved subdivision or land development plan.
- E. Vegetation. Where existing trees and/or shrubs are removed from lands that are less than 50 feet from the top of the primary bank of a stream or natural lake or pond, as part of, or in preparation to, a subdivision, land development or permitted construction of a new building, then new trees and shrubs shall be planted and maintained. The new trees and shrubs shall have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed. Mature healthy trees shall only be removed within this 50 feet wide area as part of a development where there is no feasible alternative, such as to allow a utility crossing.
 - 1. Publications of the Pennsylvania Department of Conservation and Natural Resources (including "Stream ReLeaf") and/or other governmental or non-profit organizations shall be used as standards for the planting of the buffer. These publications include recommended species. During the time period of any maintenance agreement with the Developer, the Developer shall replace any such trees or plants that do not survive within 100 days afterwards. If such trees and plants do not survive beyond the maintenance agreement time period, they shall be replaced within 100 days afterwards by the current owner of the property.

506. **ALLUVIAL SOILS AREAS.**

- A. Determination of Alluvial Soils Area

1. Based upon mapping by the U.S. Department of Agriculture, the following soil types, or their successor types, shall be considered to be alluvial soils that are subject to the flooding.
Atkins Silt Loam
Atkins Silt Loam, Local Alluvium
Huntington Silt Loam
Melvin Silt Loam
Philo Silt Loam
River wash
2. The Zoning Officer shall require that a detailed on-site survey be made (by a qualified engineer, soil scientist or qualified sanitarian approved by the Board of Supervisors in accordance with accepted on-site survey techniques) to determine the exact extent and nature of areas susceptible to potential problems of flooding, wetness, or pollution before issuing a zoning permit for any proposed use within an "Alluvial Soils" area if it is along a waterway segment that was not studied as part of the Federal Floodplain Mapping.

B. Use Regulations. Within any alluvial soils that is determined to be within the 100 floodplain, the regulations of the 100 year floodplain as provided in the Township Floodplain Ordinance shall apply. See Ordinance Number 43 or its successor ordinance.

507. **FLOODPLAIN REGULATIONS.**

- A. See Township Ordinance No. 43 or as may be amended.
- B. A new principal building shall not be constructed or placed within any portion of the 100 year floodplain that is classified as "AE" or its equivalent successor category under Federal regulations.
- C. A hospital, nursing home, jails, prison, or manufactured home park shall not be newly developed or expanded within any portion of the 100 year floodplain.

508. **FILLING, EXCAVATION, AND GRADING.**

- A. All activities which involve disturbance, filling, excavating or regrading of more than 5,000 square feet of earth shall require the submittal of a site grading and soil and erosion control plan. Such 5,000 square feet limit shall be reduced to 2,000 square feet within the Little Lehigh Creek Watershed. Such plan may required to be approved by the County Conservation District. Such plan shall be carried out by each contractor, builder and developer.
- B. Grading Regulations
 1. The existing grade shall not be increased so that unstable slopes are created.
 2. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structures.
 3. The deposit of soils, detritus or other debris (as a result of site preparation, grading or excavating) shall not be unsightly or detrimental to any property, street, sewer, or natural waterways.
 4. State erosion control regulations shall be met as a condition of any zoning permit.

509. **OUTDOOR STORAGE CONTROL.**

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except for tanks or drums of less than 600 gallons of fuel which is directly connected with engines, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel and which have been approved by the Township.
- B. All outdoor storage facilities for fuel, raw materials, and products stored outdoors (including those permitted in Section 509.A.) shall be enclosed by a fence of a type, construction and size as shall be adequate to protect the public health, safety and welfare.
- C. 1. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.
- 2. No substance shall be allowed to enter any groundwater or surface water which can:
 - a. contaminate groundwater or surface water
 - b. render groundwater or surface water undesirable as a source of water supply or recreation, or
 - c. destroy aquatic life.

510. **SEWAGE WASTE TREATMENT AND DISPOSAL CONTROL.**

- A. All methods of sewage and waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Protection and in accordance with the Sewage Plan for the Township.
- B. Re-certifications of the adequacy of sewage disposal systems, or demonstration of an adequate replacement systems, shall be required prior to the expansion or conversion of any existing use.

511. **NOISE CONTROL.**

- A. No land or structure, whether located on private or public property, in any zoning district shall be used or occupied in any matter that creates any noise so as to adversely effect the reasonable use or value of the surrounding area or adjoining premises.
- B. The restrictions on noise set forth in the preceding paragraph shall not apply to any of the following noise sources:
 - 1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
 - 2. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
 - 3. Domestic power tools between the hours of 6:00 a.m. and 9:00 p.m. on Mondays through Fridays and 6:00 a.m. and 5:00 p.m. on Saturdays or Sundays.
 - 4. Explosives and construction operation.
 - 5. Agriculture.
 - 6. Motor vehicles traveling on roads and highways.
 - 7. Public celebrations, specifically authorized by the Township.
 - 8. Surface carriers engaged in commerce by railroad.
 - 9. The unamplified human voice.
 - 10. Livestock or poultry.

512. **VIBRATION CONTROL.**

- A. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source (if on private property) or at 50 feet from the source (if on a public space or public right-of-way).
- B. For the purposes of Section 512.A., "vibration perception "threshold" means the minimum ground-or-structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects, without needing the use of instruments.

513. **DUST AND ODOR CONTROL.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to Normal Farming Activities that are exempted under the Pennsylvania Right to Farm Act.

514. **CONTROL OF LIGHT AND GLARE.**

- A. Street Lighting Exempted. This Section 514 shall not apply to: a) street lighting that is owned, financed or maintained by the Township or the State or that is required to be placed by the Township, or b) a routine individual porch light of a dwelling (not including a directional spot light or flood light).

B. Definitions.

1. Full Cutoff - Attribute of a light fixture from which: a) no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and b) no more than 10 percent of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.
2. Fully Shielded - Attribute of a light fixture that is provided with internal devices and/or external shields or louvers to prevent brightness from the luminaire from causing glare at normal viewing angles.
3. Glare - Excessive brightness in the field of view that is sufficiently greater than the brightness to which eyes are adapted, which causes annoyance or loss in visual performance and visibility so as to jeopardize healthy, safety or public welfare.

- C. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 25 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.

D. Diffusion and Shielding.

1. All light sources, including signs, shall be properly shielded, aimed and diffused, as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
2. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

- E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

- F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal foot-candle at a distance 10 feet inside the residential lot line.
- G. Canopies. Any canopy over gasoline pumps, bank drive-thru, drugstore, or fast-food facility shall have flat-lens light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- H. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection F. and to prevent glare onto streets. The Township may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- I. Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such as building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.
- J. Signs. See Article 6, including limits on lighting of billboards and other off-premises signs.
- K. Pole Protection. Poles supporting lighting fixtures within or less than 5 feet directly behind parking spaces, shall be protected by being placed on concrete pedestals at least 30 inches high or suitably protected by other approved means such as by the use of steel bollards.
- L. Illumination Levels. Outdoor lighting of business, apartment and institutional parking areas shall have sufficient lighting for safety purposes during hours when the parking area in is use. If more than 5 acres of new commercial development is proposed, then the applicant shall also provide evidence that the use will meet the minimum and maximum illumination levels and uniformity ratios recommended by the Illuminating Engineering Society of North America in their most recent published standards.

515. **TREE CONSERVATION.**

- A. Purposes. To protect wildlife and bird habitats, encourage groundwater recharge, reduce air pollution, avoid pollution of creeks by high temperature runoff, maintain the attractive character of residential areas and conserve energy.
- B. Applicability. This section 515 shall not regulate the following:
 - 1. "Forestry," as defined in the Zoning Ordinance, if it meets the requirements of Section 311;
 - 2. The cutting down of trees that are diseased, dead or represent a hazard to persons or property because of injury or location.
 - 3. The cutting down of up to 5 trees per lot per calendar year, provided such cutting does not exceed 30 percent of the total basal area.

4. The cutting down of trees where a building, parking area, driveway, street, septic system, well or similar improvement has been approved, or areas within 30 feet of such approved features or where necessary to allow soil testing.
5. The cutting down of trees to allow an expansion of an existing crop farming use.
6. The cutting down of up to 10 percent of the trees per calendar year on a lot as part of routine thinning of woods or for firewood, provided such cutting does not result in clearcutting.
7. The cutting down of trees with a trunk diameter of less than 6 inches (measured at 4.5 feet above the ground).

C. Tree Cutting.

1. Where tree cutting is proposed, site plans submitted to the Township shall show the extent of the tree cutting, and the extent of areas where trees are proposed to remain and be protected.
2. The applicant shall prove that the number of trees with a trunk diameter of 6 inches or more measured at a height of 4.5 feet above the average surrounding ground height that are cut down or effectively killed will be held to an absolute minimum, while still allowing allowed structures and uses to be developed.

D. Protection of Trees During Construction.

1. Reasonable efforts shall be taken during any construction to ensure the protection of trees protected by this Section are not accidentally injured or killed. These efforts shall ensure that equipment does not damage tree trunks, that roots are not compacted by vehicles and that the grade level around trees is not changed by more than 8 inches unless approved tree wells are used. Durable temporary fencing and signs shall be placed around the outer edge of the root systems of trees proposed to be preserved, including but not limited to the areas beneath the canopy of the trees (“the dripline”). Such fencing shall remain in place during all earth disturbance and construction activities.
2. If an approved subdivision or land development plan states that certain trees are to be preserved, and if those trees are killed, then the developer shall be required to replace those trees with new mature trees, in addition to any other penalties provided in this Ordinance.

ARTICLE 6 SIGNS

601. PURPOSES AND APPLICABILITY.

- A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without unreasonably regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 603 and b) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.
- D. Nonconforming Signs.
1. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
 2. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.
- E. Unlawful Signs. If a sign was placed without a required permit by the Township, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article 1.

602. SIGN DEFINITIONS.

- A. Sign Definitions. The following definitions shall also be used in determining whether signs meet the measurement and type requirements of this Article:
1. Abandoned Sign. A sign which identifies something that is no longer a bona fide business, lessor, service, owner or product, or advertises an event or activity that is not longer occurring, and/or for which no legal owner can be found. This term shall also include a structural support for a sign if the sign has been removed.
 2. Awning. A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. All or part of the allowed wall sign area may be placed on an awning.
 3. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
 4. Changeable Message Sign. A sign that is designed to vary from message to message by means of electronic lights, movable panels and/or movable letters.

5. Flag. Fabric, banner or bunting containing distinctive colors, patterns or symbols, including a flag that is a symbol of a nation or political subdivision or other entity.
6. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
7. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
8. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
9. Marquee Sign. A sign that is attached to a permanent overhang over a sidewalk that extends from the face of a building, and which meets the minimum clearance over a sidewalk established by the Construction Code. All or part of the allowed wall sign area may be placed on a marquee, provided any new marquee shall meet this Ordinance and the Construction Codes.
10. Monument Sign. A type of freestanding sign which has a maximum total height of 8 feet and which has a solid bottom attached to the ground, as opposed to be supported by a pole.
11. Non-conforming Sign. A sign which was lawful when it was installed, but which would not meet current sign regulations of this Ordinance.
12. Off-Premise Sign. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.
13. On-Premises Sign. A sign that is not an off-premises sign, such as a sign that advertises a business or service offered on the premises.
14. Political Sign. A sign that advertises a candidate for election or an opinion on a current political issue.
15. Portable Sign. A sign that is not permanently affixed to the ground or to a building, and which is not listed by this Article as an allowed temporary sign, and which is attached to a chassis, wheels or legs that allows it to be towed or carried from one location to another.
16. Projecting Sign. A sign that is attached to a building and that extends perpendicular from the building and which meets requirements of the Construction Code for secure construction and minimum clearance over a sidewalk, and which does not extend over a street.
17. Real Estate Sign. A temporary sign advertising the availability of land or building space for sale, lease or auction.
18. Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.
19. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
20. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

603. **MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	24	Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity.	2	4	40	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	12	32 (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 7 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also “Special Sale Signs” below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance.

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	4 per sign	4 per sign	Such signs shall be posted not more than 3 days before the sale starts, and shall be removed within 1 day after the sale ends. No sign shall be posted for more than 6 days.
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	1	1	2	Shall not be illuminated, except a sign of a medical doctor may be externally lit. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1, except 2 for a principal non-residential use.	6	Maximum height of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<p><u>Political Sign</u>- advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.</p> <p>Political signs shall not obstruct safe sight distances at intersections.</p>	Maximum of 2 sign faces per issue or candidate per street per lot	Maximum of 10 s.f. per issue or candidate per street frontage.	Maximum of 20 s.f. per issue or candidate per street frontage.	Shall be removed a max. of 5 days after an election, vote or referendum, if the sign pertains to such. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<p><u>Public Services Sign</u>- advertises the availability of restrooms, telephone or other similar public convenience.</p>	No max.	2	2	
<p><u>Real Estate Sign</u>- advertises the availability of property on which the sign is located for sale, rent or lease.</p>	1 per street the lot abuts	12	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.
<p><u>Service Organization/ Place of Worship Sign</u>- an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.</p>	2	2	2	Maximum of 2 such signs per such organization or place of worship.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Special Sale Signs/Banners</u> - temporary banners or flags that advertise a special sales event at a lawful principal commercial business.	5 per lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum of 90 total days per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

- * Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.
- ** For the purposes of this Section, a "Residential Lot" shall mean a lot occupied by a primarily residential use, or an undeveloped lot in a "residential district."

A. In addition, the following are not regulated by this Ordinance:

1. Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
2. Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
3. Not Readable Sign- not readable from any public street or any exterior lot line.
4. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
5. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
6. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the Township.
7. Small Signs - Signs of one square feet or less of sign area that are displayed independently of other signs.

604. **FREESTANDING, WALL AND WINDOW SIGNS (On-Premises Signs).**

A. The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 602.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREESTANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
CON, R-A, AC and Residential Districts, with signs in this table limited to allowed principal non-residential uses, nursing homes and personal care centers. For home occupation signs, see Section 603.	8 feet	30 square feet on each side of a principal non-residential building or an allowed nursing home or personal care center.	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 16 sq. ft.
VC Village Commercial District.	8 feet	1 square foot of sign area for each linear feet of building length on the building side on which such signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 32 sq.ft. * Up to 10 square feet of this sign area may be used instead for a projecting sign. See also "Special Sale Signs/Banners" in Section 603.
C and I districts and any other district not listed above	20 feet.	2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 40 sq.ft. * See also "Special Sale Signs/Banners" in Section 603.

* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the C district, if a lot includes 3 such uses, the maximum freestanding sign area shall be 40 plus 20 equals 60 square feet.

- B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.
- C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.
1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
 2. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 603.
 3. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.
- D. Signs on Freestanding Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.
605. PROHIBITED SIGNS. The following prohibitions on signs shall apply in all zoning districts:
- A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 603.
 - B. Flashing, blinking, twinkling, animated, scrolling or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for a minimum of 10 seconds, except as follows: a) time and temperature signs may change more frequently, and b) a sign with a sign area greater than 100 square feet shall not change its message more frequently than once every 30 seconds.
 1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 603.
 - C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
 - D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
 - E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
 - F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
 - G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.

- H. Floodlights and outdoor lasers for advertising purposes are prohibited.
- I. Neon or argone lighting and similar types of gaseous internal illumination shall be prohibited, except within the C Commercial Zoning District.

606. **OFF-PREMISE SIGNS (Including Billboards).**

- A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes of Section 601.
- B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts.
- D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:
 - 1. District. An off-premise sign is only permitted in the I District.
 - 2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
 - 3. Maximum Total Sign Area on Each of 2 Sides. 300 square feet.
 - 4. Spacing. Any off-premise sign shall be separated by a minimum of 500 feet from any other off-premise sign with a sign area greater than 20 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection 6 below.
 - 5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
 - 6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign of 300 square feet may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
 - 7. Control of Lighting and Glare. See standards in Section 514. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
 - 8. Setbacks. No off-premise sign greater than 20 square feet in sign area shall be located within 200 feet from any of the following: a) an existing dwelling or b) a residential district.
 - 9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the

message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.

- E. Additional Off-Premise Signs. Up to 2 off-premises signs may be placed if needed to direct motorists to a principal business use within Upper Milford Township that is not adjacent to an arterial road. Such signs shall only be posted with permission of the owner of the land upon which the signs will be placed. Each sign shall not exceed 4 square feet and shall not exceed 8 feet in height. Such signs shall only be placed in the R-A or AC districts if they are along an arterial or collector road or in the VC, VR, C or I districts. Such signs shall not be illuminated. Such signs may be increased to a total of 6 if they advertise a seasonal business (such as Christmas Tree Sales) and are visible for less than 90 days per year.

607. **GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS.**

A. Setbacks.

1. No sign shall be located within 10 feet from an existing street right-of-way. However, if the closest edge of the sign will be placed a minimum of 25 feet from the centerline of a street, then no setback shall be required from the street right-of-way.
2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 5 feet from an abutting lot line of principal dwelling in a residential district.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 403.

C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.

D. Permission of Owner. No sign shall be posted on any property or public utility pole, unless permission has been received by the owner of such land or pole.

E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

F. Construction of Signs. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

G. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.

H. Banners and Overhanging Signs. The Board of Supervisors may approve the hanging of decorative banners within the street right-of-way and may approve a sign overhanging across a street to advertise a community event or festival

608. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

609. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

610. **MEASUREMENT OF SIGNS.**

A. **Measurement of Sign area.**

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

611. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

612. **MAJOR RESIDENTIAL DEVELOPMENT SIGNS.**

A. Residential Development Sign. If a subdivision or land development is approved to include over 15 dwelling units, then an additional sign shall be permitted up to 2 vehicle entrances to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.

1. Each such sign shall have a maximum sign area of 30 square feet. Such signs shall have a maximum total height of 6 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of weather-resistant wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 6 feet and a maximum length of 12 feet.

B. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

ARTICLE 7 OFF-STREET PARKING AND LOADING

701. **REQUIRED NUMBER OF OFF-STREET PARKING SPACES.**

A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with following table and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in the following table shall comply with the requirements for the most similar use listed in the following table, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 403 and 404 of this Ordinance.

TABLE OF OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Home Occupation	See Article 3	
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.4 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
B. <u>INSTITUTIONAL USES:</u> 1. Place of Worship or Church	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.1 Employees
3. Nursing Home	1 per 5 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Bowling Alley	2 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	Adequate waiting and drying areas.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.1 Employees
9. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, Medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center.	1.1 Employees
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 sq.ft. of floor area of rooms accessible to customers	

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
20. Shopping Center involving 5 or more retail establishments on a lot.	1 per 200 square feet of leaseable floor area	
21. Tavern or Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
22. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian Office	4 per veterinarian	1.1 Employee
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.1 Employee

702. **GENERAL REGULATIONS FOR OFF-STREET PARKING.**

- A. **General.** Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. **Existing Parking.**
1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
 2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- C. **Change in Use or Expansion.** A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building. For example, an existing store might include 3 parking spaces and would have been required to provide 7 spaces if it was newly developed. Therefore, there is an existing nonconforming deficit of 4 spaces. Then, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 spaces minus the pre-existing deficit of 4 equals 6).
 2. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.
- D. **Continuing Obligation of Parking and Loading Spaces.** All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.
- E. **Location of Parking.**
1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable.

- a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

F. Reduction of Parking Requirements as a Special Exception.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, after the Planning Commission has been provided an opportunity for a review, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
 1. In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.
 - c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
 1. Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.
 2. If approved under this subsection “c.”, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.
 3. The additional parking that is “reserved” under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land’s release from the restriction, or until the Township may require that the land be developed as parking.
 4. The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide

written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

703. **DESIGN STANDARDS FOR OFF-STREET PARKING.**

A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for: a) a driveway serving one dwelling or b) a driveway that enters onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking and except where a larger space is required by Section 703.C.
2. For handicapped spaces, see Section 703.G. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

C. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width - One Way Traffic (feet)	Aisle Width - Two Way Traffic (feet)
90 degrees	9	18	20	22
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

Min. = Minimum

D. Accessways and Driveways.

1. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway* One-Way Use* Two-Way Use*

Minimum	12 feet	22 feet
Maximum	20 feet	30 feet

* This standard may be revised where the State Department of Transportation requires a different standard is required by PennDOT for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, the Township may require all required parking, loading facilities and driveways serving principal non-residential uses (other than agricultural uses) or serving apartment or townhouse uses to be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Township.
 - a. Parking areas that are not used on a daily basis or that are only used seasonally may be approved to be maintained in stone, grass or other suitable surfaces. For example, such parking spaces may be allowed to be grass, while major aisles are covered by stone.
 - b. If the design and materials are found to be acceptable by the Township Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.
 - c. Curbing should not be required in parking areas except where absolutely necessary to control storm water runoff.
 - d. The Township may require pavement of an area in asphalt, concrete or similar impervious surface, with a raised edge, where it is necessary to contain potential spills of hazardous substances.

F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

G. Parking for Persons With Disabilities/Handicapped Parking.

1. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment date of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded vehicle parking or vehicle storage area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 15 feet. This 15 feet width shall be increased to 25 feet for a lot including 100 or more parking spaces.
 - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
 - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.

- c. Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
 - d. The following shall be prohibited within the planting strip:
 - 1) paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
 - 2) fences, and
 - 3) parking, storage or display of vehicles or items for sale or rent.
 - e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 403 and 404.

704. OFF-STREET LOADING.

- A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Township Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

705. FIRE LANES AND ACCESS.

- A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- C. The specific locations of fire lanes and fire equipment access are subject to approval by the Township, after review by local Fire Officials.

Appendix – Functional Classification of Roads

Functions of Roads: Different types of roads in Upper Milford Township serve different types of purposes:

1. **Expressways** – Provide major highway connections between regions and major parts of regions:
 - a. Pennsylvania Turnpike (Northeast Extension/I-476)
2. **Arterials** – Provide access between major parts of counties and through and around cities and towns:
 - a. Buckeye Road
 - b. Cedar Crest Boulevard (PA Route 29)
 - c. Chestnut Street (PA Route 29)
 - d. King’s Highway (PA Route 100)
3. **Collectors** – Provide connections between arterial highways and local roads:

Major Collectors:

- a. Brunner Road
- b. Fifth Street / Mountain Drive
- c. King’s Highway South
- d. Main Road East
- e. Main Road West
- f. St. Peter’s Road
- g. Shimerville Road
- h. Vera Cruz Road North
- i. Vera Cruz Road South

Minor Collectors:

- a. Allen Street
- b. Churchview Road
- c. East Macungie Road
- d. Fountain Road
- e. Indian Creek Road
- f. Keystone Avenue
- g. Limeport Road
- h. Macungie Mountain Road
- i. Mill Road
- j. Powder Valley Road
- k. Sigmund Road
- l. South Second Street
- m. Tank Farm Road
- n. Woodlawn Drive
- o. Yeakel’s Mill Road

4. **Locals** – Provide direct access to abutting properties and channel local traffic to collector streets:
 - a. All other existing roads