

AMENDMENTS TO UPPER MILFORD TOWNSHIP ZONING ORDINANCE OF 2010

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

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

WHEREAS, upon review and recommendation of the Upper Milford Township Planning Commission, the Board of Supervisors of Upper Milford Township are desirous of amending said Ordinance.

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

1. Section 106.C. is revised to read as follows:

106. ENFORCEMENT, VIOLATIONS AND PENALTIES.

C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from

the receipt of the notice to appeal to the Zoning Hearing Board.

2. Section 111D.6. is revised to read as follows:

111. ZONING HEARING BOARD ACTIONS AND VARIANCES.

D.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.

3. The following definitions in Section 202 are revised to read as follows:

SECTION: 202. TERMS DEFINED.

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 or Open Space 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 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".

Junkyard.

C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard. See any Township Code that regulates unlicensed and inoperable vehicles on lots and the State Vehicle Code for unlicensed vehicles parked on a street.

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.

Yard, Front or "Front Setback." A "yard" 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) 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.

B. See Section 403 concerning yards along corner lots.

4. Section 304.C.11 is revised to read as follows:

304. TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.

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

5. Section 305.A. is revised to read as follows:

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 Impervious Coverage
CON Conservation District:	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 variances 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 Impervious Coverage
R-SR Rural Suburban Residential District:							
Single family detached dwelling without Township approved central water service and without Township approved central sewage service	43,560 (1 acre)	120	30	50	15	20	40%
Single family detached dwelling with Township approved central water but without Township approved central sewage service	39,000	120	30	50	15	20	40%
Single family detached dwelling with Township approved central sewage service but without central water service	27,000	120	30	25	10	30	50%
Single family detached dwelling with both Township approved central water and Township approved central sewage services	12,000	70	30	25	10	30	50%
Twin dwelling, which shall only be allowed if both Township approved central water and Township approved central sewage services are provided.	7,000 per dwelling unit	60 per dwelling unit	30	25	10, except 0 at the shared lot line of lawfully attached dwellings.	30	50%
Townhouse, which shall only be allowed in a Open Space Development if both Township approved central water and Township approved central sewage services are provided.	Minimum average lot area of 7,000 per dwelling unit (Note C).	22 per interior dwelling unit, and 45 for each end unit (Note B)	25	25	10, except 0 at the shared lot line of lawfully attached dwellings.	40%	50%
Other allowed principal use	43,560 (1 acre)	120	30	50	15	20	50%

See the option for Open Space Development in Section 307, which may allow smaller minimum lotsizes, smaller lot widths, greater varieties in housing types and density bonuses.

All dwellings shall have a minimum principal building width and length of 20 feet (not including unenclosed structures).

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
S-R Suburban Residential District:							
Single family detached dwelling Without Township approved central water service and without Township approved sewage services.	43,560	150	25	25	15	20%	40%
Single family detached dwelling With Township approved central water but without Township approved central sewage services.	39,000	150	25	25	15	20%	40%
Single family detached dwelling With Township-approved central sewage service but without central water service.	27,000	100	25	25	10	30%	50%
Single family detached dwelling With both Township approved central water and Township approved central sewage services.	7,500	75	25	25	10	30%	50%
Twin dwelling: Which shall only be allowed if both Township approved central water and Township approved central sewage services are provided.	6,000	35 per dwelling unit	25	25	10, except 0 at the shared lot line of lawfully attached dwellings.	40%	50%
Townhouse: Which shall only be allowed if both Township approved central water and Township approved central sewage services are provided.	Minimum average lot area of 7,000 per dwelling unit (Note C).	20 per interior dwelling unit, and 40 for each end unit (Note B)	25	25	10, except 0 at the shared lot line of lawfully attached dwellings.	40%	50%
Apartments (including Two Family Detached Dwellings): Which shall only be allowed if both Township approved central water and Township approved central sewage services are provided.	Minimum average lot area of 6,500 per dwelling unit (Note C).	120	25	25	10, except 0 at the shared lot line of lawfully attached dwellings.	40%	50%
Other allowed principal use.	40,000	100	25	25	15	30%	50%
Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section.							

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
VC Village Commercial and VR Village Residential District:							
Single family detached dwelling without Township approved central water service and without Township approved sewage services.	43,560 (1 acre)	120	20	20	5	40%	60%
Single family detached dwelling With Township approved central water but without Township approved central sewage services.	39,000	120	20	20	5	40%	60%
Single family detached dwelling With Township-approved central sewage service but without central water service.	27,000	120	20	20	5	40%	60%
Single family detached dwelling With both Township approved central water and Township approved central sewage services.	9,000	60	20	20	5	40%	60%
Twin dwelling, which shall only be allowed if both Township approved central water and Township approved central sewage services are provided.	7,000 per dwelling unit	50 per dwelling unit	20	20	5, except 0 at the shared lot line of lawfully attached dwellings.	40%	60%
Other allowed principal use	43,560 (1 acre)	120	20	20	5	40%	60%

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
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	60%, 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%	75%

6. Section 306.C. is revised to read as follows:

306. ADDITIONAL REQUIREMENTS WITHIN THE AC AGRICULTURAL CONSERVATION DISTRICT.

C. Maximum impervious coverage - 50 percent.

7. Section 313.C.9. is revised to read as follows:

313. ACCESSORY USES.

C. 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.)

- a. The maximum number of animals permitted per acre, or for lots less than one acre, per lot, shall be as follows.
- e. No large animals or large fowl shall be housed or permitted to congregate within 10 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 yard.
- h. Deleted.

8. Section 401.B.3 is revised to read as follows:

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

B.3. An applicant may prove to the Zoning Hearing Board that a use listed as a principal use in this Ordinance is actually functioning as an accessory use.

9. Section 404.C.6 is revised to read as follows:

404. LANDSCAPING.

C. Street Trees. As part of the creation of a new nonresidential lot or the construction of a new principal nonresidential 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.

6. This requirement for street trees shall not apply for an agricultural lot.

10. Section 702.E.1 is revised to read as follows:

702. GENERAL REGULATIONS FOR OFF-STREET 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. A written and signed lease shall be provided, if applicable.

a. Deleted.

11. Section 703.D. is revised to read as follows:

703. DESIGN STANDARDS FOR OFF-STREET PARKING.

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 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.

12. Section 704.B. is revised to read as follows:

704. OFF-STREET LOADING.

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 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.

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

14. These Amendments shall become effective five (5) days after adoption by the Board of Supervisors.

ORDAINED and ADOPTED this 7th day of February, 2013, by the Board of Supervisors of Upper Milford Township.

ATTEST:

**BOARD OF SUPERVISORS OF
UPPER MILFORD TOWNSHIP**

Secretary

, CHAIRPERSON

, VICE-CHAIRPERSON

, SUPERVISOR