

ORDINANCE NO. 168

AN ORDINANCE OF UPPER MILFORD TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 126, AS AMENDED, KNOWN AS "UPPER MILFORD TOWNSHIP ZONING ORDINANCE OF 2010", AS AMENDED, TO PROVIDE FOR THE CREATION OF A COORDINATED ZONING ALONG MUNICIPAL BORDERS DEVELOPMENT OPTION OVERLAY DISTRICT ("CZAMB-OD") UPON A PORTION OF THE INDUSTRIAL (I) ZONING DISTRICT; ESTABLISHING A USE TO BE KNOWN AS A COORDINATED ZONING ALONG MUNICIPAL BORDERS DEVELOPMENT OPTION ("CZAMB"); PROVIDING FOR CERTAIN USES WITHIN THE CZAMB-OD; ESTABLISHING RESTRICTIONS ON DWELLING TYPES, DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR IMPROVEMENTS AND FACILITIES SERVING A CZAMB, AND ADDING AND AMENDING CERTAIN DEFINITIONS

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

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

WHEREAS, upon review and recommendation of the Upper Milford Township Planning Commission, the Board of Supervisors of Upper Milford Township are further desirous of amending said Ordinance to create the Coordinated Zoning Along Municipal Borders Overlay District (CZAMB-OD)

upon a portion of the Industrial Zoning District, establishing a CZAMB use, providing for certain uses within the CZAMB, and establishing restrictions on dwelling types, dimensional requirements and performance standards for improvements and facilities serving a CZAMB.

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

1. The following definitions are added to Section 202:

SECTION 202 TERMS DEFINED

Coordinated Zoning Along Municipal Borders.

A parcel or parcels of land to be used for residential development designed to coordinate zoning uses along municipal borders to avoid conflicting land uses and to encourage a mixture of housing of varying sizes and density to allow for seamless, rather than shock, transition between different uses

Coordinated Zoning Along Municipal Borders Development Option.

An optional type of residential development along municipal borders designed to coordinate zoning uses along municipal borders to avoid conflicting land uses and to encourage a mixture of housing of varying sizes and densities to allow for seamless, rather than shock, transition between different uses,

2. The last sentence of Section 301.A of the Ordinance is amended to add the following new Zoning District:

Coordinated Zoning Along Municipal Borders Overlay District ("CZAMB-OD").

3. Section 301.C.9. is modified to read as follows:

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 and to avoid additional conflicts through a Coordinated Zoning Along Municipal Borders Development Option so that existing residential areas have a seamless, rather than shock, transition between uses.

4. The Upper Milford Township Zoning Map is amended and revised by creation of an Overlay District known as the CZAMB- OD upon a portion of the Industrial ("I") Zoning District; a copy of the revised Map is attached hereto, made a part hereof and marked as Exhibit "A".

5. Section 304.B.2 is amended to include the following additional residential use, as a permitted use, only in the "I" Zoning District: Coordinated Zoning along Municipal Borders Development Option in compliance with Section 310.

6. The Zoning District: Type of Use set forth in Section 305.A. for the (I) Industrial District is amended to include the following:

I) I Industrial District:

See the option for Coordinated Zoning along Municipal Borders Development Option in compliance with Section 310.

7. Section 310 is added as follows:

**310 COORDINATED ZONING ALONG MUNICIPAL BORDERS
DEVELOPMENT OPTION.**

A. Purposes. To coordinate zoning uses along municipal borders to:

1. Reduce environmental impacts or potential nuisances including but not limited to glare, odor, vibration and noise,
2. Aid in reducing heavy truck traffic from the most vulnerable residential, natural and agricultural uses,

3. Coordinate land uses at municipal borders to yield the most harmonious region- wide results between developed, cultivated and undeveloped lands,
4. Consider density, population projections and surrounding developments when reviewing new land development proposals to allow for seamless, rather than shock, transition between the different uses,
5. Direct development to those areas that are more physically suited for residential use,
6. Accommodate future housing demand, housing supply and diversity,
7. Maintain neighborhood character,
8. Encourage a mix of housing of varying sizes and densities to avoid over-dependence and excessive uniformity of residential development within an area,
9. Maintain appropriate distances between conflicting land uses (generally industrial or high-traffic commercial) versus housing and agriculture,
10. Provide for transitional forms of development between residential, agricultural and industrial areas,
11. Develop zoning and subdivision and land development regulations that, whenever possible, ensure screening, buffering or other methods of separating intensive uses,
12. Encourage industrial freight traffic to the most appropriate and efficient roadways and to avoid traffic impacts on local roads,
13. Allow each property owner a reasonable use of their land related directly to the features and location and accessibility of the land.
14. Encourage maintaining the character of adjoining residential neighboring zoning districts.

B. Applicability. Section 310 allows an applicant the option for residential use on industrial tracts of land as designated on the Official Zoning Map solely within the CZAMB-OD where the surrounding land uses are primarily residential if the applicant proves compliance with all of the requirements of this Section 310 to the satisfaction of the Township.

1. The Coordinated Zoning Along Municipal Borders Overlay District ("CZAMB-OD") is an overlay established to permit residential development design within the areas designated on the Official Zoning Map. Coordinated Zoning Along Municipal Borders Development shall be permitted by right solely within the CZAMB-OD, in accordance with the minimum requirements set forth in this Part. In the absence of a specific standard for the Coordinated Zoning Along Municipal Borders development design appearing in this Part, the provisions of the base zoning district shall apply.
2. Uses. A CZAMB shall only include the following uses: single family detached dwellings, recreation uses that the Township approves to be within open space, and utilities necessary to serve the development. A manufactured home park shall not qualify as a CZAMB. In addition, a twin dwelling unit with the dwelling units separated by a vertical wall shall be allowed as long as each unit is on a separate lot.
3. A CZAMB 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 Section 310.
4. Procedures, Applicants must first submit a Layout Plan for review by the Township for zoning compliance before the site layout has been finalized and before completing detailed fully engineered preliminary subdivision plans. This process will allow the Township and the applicant to review the project and mutually agree upon the general development layout meeting the purposes as described in Section 310A. prior to detailed engineering. At this time the Applicant and Township shall also review and determine how the Applicant will address Section 1007 of the Upper Milford Township Subdivision and Land Development Ordinance relating to recreation areas and fees. The applicant shall also consult the U.S. Postal Service for requirements for mail delivery receptacles and incorporate that into the layout plan. The Township would prefer centralized mail delivery receptacles in new residential developments. Detailed development plans containing stormwater, grading, utility, profile and erosion control

plans, etc. shall be submitted for review and approval as part of the subdivision or land development approval process.

5. Applicants shall dedicate, in fee, to a homeowners association such property as may be necessary for all Stormwater Best Management Practices required by the National Pollutant Discharge Elimination Permit as part of the Land Development/Subdivision approval process. The homeowners shall be legally bound to pay fees to the homeowners association for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and by-laws, approved by the Township prior to the recording of the record plan, providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs. The Stormwater Best Management Practices shall not be built upon property required to meet the minimum lot area of Sections 310.C.3.a.1 and 310 C.3.b.1.

C. Uses and Lot Standards.

1. All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by Section 310. For example, lots in the CZAMB-OD shall comply with any requirements of this Ordinance to delete certain natural features from lot area of individual lots.
2. Requirements for Accessory Uses and Miscellaneous Uses in 304.B.1.e. & 304.B.1.f. under the RS-R (Rural Suburban Residential District) heading shall apply if the CZAMB Development Option is used.
3. The following dimensional requirements shall apply, provided that central sewer and central water services are provided:
 - a. Single Family Detached Dwellings.
 - I. The minimum lot area shall be 9,000 square feet. (See natural feature regulations including Section 503 for steep slopes. The minimum lot area is per dwelling unit.)

- II. The minimum lot width shall be 75' measured at minimum building setback line.
- III. The minimum front yard setback shall be 25'.
- IV. The minimum side yard setback shall be 15' per side.
- V. The minimum rear yard setback shall be 35'.
- VI. The maximum percent building coverage shall be 35%.
- VII. The maximum percent of impervious coverage shall be 45%.

b. Twin Dwelling Units

- I. The minimum lot area shall be 6,500 square feet. (see natural feature regulations including Section 503 for steep slopes. The minimum lot area is per dwelling unit.)
- II. The minimum lot width shall be 55' measured at minimum building setback line.
- III. The minimum front yard setback shall be 25'.
- IV. The minimum side yard setback shall be 15' on one side and 0 feet on the other side where the shared lot line of the lawfully attached dwelling is.
- V. The minimum rear yard setback shall be 35'.
- VI. The maximum percent building coverage shall be 40%.
- VII. The maximum percent of impervious coverage shall be 50%.

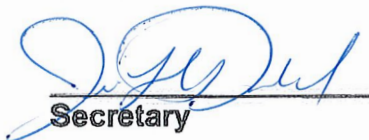
- 4. A lot within the CZAMB-OD shall not include more than one principal use and shall not include more than one principal building.
- 5. A minimum 20' buffer yard including plant screening meeting the requirements of Section 403. D. 2, 3, 4, 5. & 6. shall be required along the rear and side lot lines that abut another lot with a non-residential use when the CZAMB OD residential option is used.
- 6. As a minimum standard the Cartway width within a CZAMB OD residential use shall be 30' with curbs on both sides and on street parking on one side.

7. Fences and walls proposed in the required side yard setback area shall be designed to not restrict access to the rear of the dwelling for future utility or emergency purposes. This requirement shall also be included within the covenants and bylaws of the homeowners association.
8. Except for these amendments, the Upper Milford Township Zoning Ordinance of 2010, as amended, shall remain in full force and effect. All other Township Ordinances or parts thereof that were adopted prior to these Amendments and are in conflict with these Amendments are hereby repealed.
9. These Amendments shall become effective five (5) days after adoption by the Board of Supervisors of Upper Milford Township.

ORDAINED AND ADOPTED this 18th day of August, 2022,
by the Board of Supervisors of Upper Milford Township.

ATTEST:

BOARD OF SUPERVISORS OF
UPPER MILFORD TOWNSHIP


Secretary


DANIEL J. MOHR, CHAIRPERSON


JOYCE K. MOORE, VICE CHAIRPERSON


JOHN D. ZGURA, SUPERVISOR

Source of Base Information : Lehigh County Mapping Office, 2007.