

MILFORD TOWNSHIP
Pike County, Pennsylvania

ZONING ORDINANCE

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Milford Township Zoning Ordinance

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ZONING MAP (Available at Township Building)

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of Milford, Pike County, by authority of and pursuant to the provisions of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

ARTICLE I - GENERAL PROVISIONS

100 Repealer

This Zoning Ordinance, as adopted herein and as may be duly amended by the Township Board of Supervisors, shall repeal and replace in total the Milford Township Zoning Ordinance of July 7, 1986, as amended.

101 Title and Short Title

This Zoning Ordinance is an ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, 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 courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; creating zoning districts and establishing the boundaries thereof; establishing the office of Zoning Officer; creating a Zoning Hearing Board; and providing for the administration, amendment, and enforcement of the ordinance, including the imposition of penalties. This Ordinance shall be known and may be cited as the "'Milford Township Zoning Ordinance.'

102 Purpose

This Ordinance is enacted for the following purposes:

- 102.1 To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; reliable, safe and adequate water supplies; sewerage, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- 102.2 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Ordinance is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

103 Community Development Objectives

The Community Development Objectives of this Ordinance shall be identical to goals and objectives for Milford Township as expressed in the Milford Township Comprehensive Plan, as adopted by the Milford Township Board of Supervisors.

This Ordinance is also intended:

- 103.1 To provide the opportunity for safe, decent, sanitary housing and living environments, with the maximum range of choice in type and location for all families and individuals.
- 103.2 To recognize the constraints of the Township's physical environment by appropriate regulation of steep slopes and flood plain development.
- 103.3 To maintain large areas of the Township as permanent open space to meet future recreation and water supply and other community needs.
- 103.4 To recognize portions of the Township as the natural expansion area for Milford Borough.
- 103.5 To provide opportunities for the growth of commerce and the expansion of Milford Township's economic and tax base.

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104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens.

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ARTICLE II - DEFINITIONS

For the purposes of this Ordinance, the following words, terms and phrases shall have the meaning indicated herein:

Accessory Building or Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Adult Stores: A use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value.

Agriculture: The use of any parcel of land for economic gain in the raising of agricultural products, livestock, poultry and/or dairy products. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes intensive livestock operations, riding academies, livery or boarding stables and dog kennels; and excluding the disposal or use of sludge, septage or similar waste products.

Agricultural Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, dairies and food canning and freezing operations.

Agricultural Service Establishment: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services, and farm machinery dealers.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Applicant: See "Person"

Assisted Living: Housing units intended for occupancy by elderly individuals requiring some assistance with the activities of daily living, but not skilled nursing, where meals are generally provided on a congregate basis.

Bed and Breakfast: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered.

Boarding or Tourist Home: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

Buffer: A part of a required setback area (yard) which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Building Height: The vertical distance measured from the average elevation of the finished grade within ten (10) feet of the structure to the highest point of the structure.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

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Bulk Fuel Storage Facility: Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in tanks for distribution to wholesale establishments or individual users..

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Campground or Recreational Vehicle (RV) Park: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles.

Car Wash: Any building or premises or portions thereof used for washing automobiles for commercial purposes.

Child Care Center: Any establishment enrolling four or more children five (5) years of age or younger and where tuition, fees, or other forms of compensation for the care of the children is charged.

Church: A building used for public worship.

Clear Cutting: A type of timber harvest which removes all or most trees of any commercial value from a stand of trees.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not generally open to the general public.

Cluster Development, Residential: A form of development for single-family residential and/or commercial subdivisions that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision are maintained and the resultant land area is devoted to common open space.

Commercial Vehicle: Any motor vehicle which is required by law to bear any license plate other than that issued for private passenger car use and any motor vehicle, including passenger cars, which by reason of a characteristic coloring or marking exceeding one square foot in area, is identified or commonly associated with any business, industry or public agency, shall be considered a commercial vehicle within the terms of the Zoning Ordinance.

Commission: The Planning Commission of Milford Township

Community Well: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

Comprehensive Plan: The Milford Township Comprehensive Plan including all maps, charts and textual matter.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Township Board of Supervisors after recommendations by the Planning Commission.

Contracting Businesses and Trades: Any commercial activity which is associated with the construction or erection of buildings or structures at a project site, including but not limited to, excavators, builders, plumbers, electricians, painters, well drillers, masons, and similar trades. This definition shall not prevent smaller contracting businesses and trades from operating as home-based businesses provided they comply with §401 hereof.

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

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Country Club: A recreational property owned and managed by membership organization and including recreational facilities, restaurant and meeting rooms.

Deck: An elevated (more than 6 inches) accessory structure constructed of wood with no walls or roof.

Detention Basin: A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulate behind the outlet. Detention basins reduce peak discharges by detaining stormwater runoffs for relatively short periods of time.

Detention Storage: The temporary detaining or storage of stormwater in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Developer: Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Dwelling Structure, Multi-family: A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- A. **Residential Conversion to Apartments:** Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 1/2) stories in height.
- B. **Garden Apartment.** Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 1/2) stories in height, not including townhouses.
- C. **Townhouse.** Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 1/2) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. **Apartment Building.** Multi-family dwellings of more than two and one half (2-1/2) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family: A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

Earth Disturbance Activity: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Electronic Message Sign: A sign capable, regardless of power source, of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means including, but not limited to, light emitting diode signs and all types of digital signs, such as plasma display panels, liquid crystal displays, computer monitors, and televisions.

Essential Services: Public utility, facilities that do not require enclosure in a building, including the construction or maintenance, of gas, electrical, steam, telephone, sewage treatment plants and collection systems, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

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Family: A group of persons living together as a single, permanent and stable nonprofit housekeeping unit, using all rooms in the dwelling and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together with sharing of food, rent, utilities or other household expenses.

Farm Residence: A single family dwelling associated and on the same parcel with an agricultural use, the occupants of which are members of the immediate family (mother/father, sister/brother, daughter/son) owning the agricultural use or are fully employed by the agricultural use; and such dwelling is not rented or otherwise used for non-agricultural, income producing purposes.

Fast Food/Drive Through Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and which may include facilities that enable customers to obtain food while remaining in their vehicles.

First Flush: That initial period of a storm event where the concentration of pollutants which are carried by the sediments in the stormwater is the highest with said concentrations decreasing as the length of the storm increases. Concentration peaks and pollutant decay will vary from site to site depending on land use, the pollutant of interest and site characteristics.

Forestry Enterprises: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

Garage, Private Parking: A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

Garage, Public Parking: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of vehicles.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses; but does not include miniature golf courses or golf ball driving ranges.

Group Care Facility: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Any facility housing six or more individuals, including staff, shall be considered a health facility.

Group Family Household: A group of not more than six individuals including staff, not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes, assisted living and personal care facilities and medical and dental clinics and offices whether publicly or privately operated.

Home-based Business: Any activity carried out for gain by a resident and conducted as an accessory use to the residential occupancy of a lot.

Horse: Any animal of, or resembling a horse or the horse family including horses, ponies, donkeys and mules.

Hotel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and limited recreational facilities.

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Housekeeping Cottages: Small detached dwelling units rented out for occasional use on a daily, weekly or monthly basis.

Impervious Surface: Any material which reduces and/or prevents absorption of storm water into previously undeveloped land.

Independent Living: Kitchen-equipped housing units intended for occupancy by persons requiring minimal assistance with the activities of daily living.

Infiltration: The passage or movement of water into the soil.

Infiltration Structure: A structure designed to direct the flow of rainwater run-off into the soil, such as French drains, seepage pits or seepage trenches.

Intensive Livestock Operation: The fattening or raising of beef cattle, hogs, poultry or other animals for the purposes of obtaining meat, eggs or wool for marketing. Any livestock operation which involves the keeping of more than 10 cows or beef cattle, or 10 hogs, or 10 sheep, or 10 goats, or any combined total of 10 said animals, or 50 fur bearing animals or 100 poultry shall be considered intensive; and which shall not be conducted on parcels of less than five (5) acres in size.

Junk: Any scrap, waste, reclaimable material or debris, vehicles or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of two or more inoperable vehicles which do not have current licenses shall be considered a junk yard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active on-going farming operation and contractors construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

Kennel: The keeping of four (4) or more dogs that are more than six (6) months of age.

Land Development: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accord with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Landscaping Strip: A buffer area consisting of a combination of trees, shrubs and other vegetation.

Lodging Facility: Any building used to house transients such as tourists, travelers or vacationers typically on a daily or weekly basis for temporary periods and including bed and breakfasts, boarding and tourist homes, hotels, housekeeping cottages and motels; but not including any permanent residences.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having

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not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area: The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That percentage of the lot area which is covered by buildings; all roads, driveways, parking areas and walkways; and impervious surfaces. All areas reserved for parking pursuant to Section 410.5 of this Ordinance shall also be included in the lot coverage area.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot Width: The average of the width of a lot at the building setback line as required by this Ordinance (or as may be established by restrictive covenant to meet the lot width requirement) and the rear lot line.

Manufactured Building: A transportable, building intended for residential or commercial occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes.

Manufacturing, Research and Development: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, wood products industries and the like; and research, engineering or testing laboratories.

Mini-Warehouse Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances; and, said lot being specifically designated by survey from other lots in the mobile home park.

Mobile Home Park: A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes placed on rented mobile home pads or lots.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

Multi-Family Project: Any development of a single parcel of property that includes one or more buildings containing

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two (2) or more dwelling units; and that includes common open space and facilities. One, two-family dwelling on a single parcel shall not be considered a multi-family project.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

Natural Resource Use: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, ore, peat, soil, or other mineral.

Natural Resources Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Non-conforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created prior to the enactment of this Ordinance or any amendments thereto.

Non-conforming Structure: A structure or part of a structure which does not comply with the applicable use or extent of the use provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of this Ordinance or amendments hereto; and including, but not limited to non-conforming signs.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was lawfully in existence prior to the enactment of this Ordinance. Such non-conforming uses include, but are not limited to, non-conforming signs and other structures.

Nursery, Commercial: A parcel of property including buildings on which trees, shrubs and other plants are raised for wholesale to retail distributors; but not including a garden center.

Nursing Home: Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Open Space: An area of land or water, essentially unimproved except for recreational facilities, that is set aside, dedicated, designated or reserved for public or common private use or enjoyment by owners and occupants of land adjoining or neighboring such land or water areas.

Open Space: All areas of a multi-family development or cluster development not conveyed to individual owners and not occupied by buildings and required or proposed improvements shall be dedicated as permanent open space for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.

Planting Strip: A buffer area planted to grass or other vegetation.

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Porch: An attached roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Principal Permitted Use: A primary or predominant use of a lot that is permitted as a matter of right by application to the Zoning Officer.

Private Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds.

Private School: An institution, not owned by a public agency, which offers to its students formal education, including but not limited to classes in arts, athletics, crafts, exercise, health, religion and basic education, provided such facility enrolls ten (10) or more students.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Public Notice: Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public or Semi-Public Use: Any structure or use which is owned and operated by a municipality or body/group appointed by a municipal body; or which is owned and operated by a non-profit organization or which is owned and operated by a public utility; and such structure or use fulfills a community need or provides a public service; including but not limited to municipal buildings and facilities; public schools, public libraries, churches, synagogues and volunteer fire and ambulance facilities.

Public Service or Congratulatory Message: A message issued by or in cooperation with a public or semi-public entity to inform the general public of matters of community-wide interest as opposed to advertising or promoting a particular commercial product or service.

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Vehicle Park: See Campground

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retention Basin: A basin in which the runoff from a given storm event is stored and is not discharged into the downstream drainage system during the storm event.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

Seepage Pit: A broad area of excavated earth, filled with loose stone or other particles, to which surface water is directed for infiltration into geologic storage.

Seepage Trench: A linear excavation of the earth, filled with loose stone or similar materials, to which surface water is directed for infiltration to geologic storage.

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, libraries and the like, but

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excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics.

Senior Housing: A form of multi-family development limited to independent or assisted living units of one and two bedrooms in size or efficiency units restricted to occupancy by individuals who are fifty-five (55) years of age or older and their spouses or disabled relatives dependent on their care.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc.

Set Back: An open unoccupied space, except for such accessory activities and uses as may be otherwise permitted, which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front set backs shall be measured from the edge of the highway right-of-way and other set backs from property lines.

Sewage Disposal, Central: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, On-site: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign: Any device, facade, fixture, material or structure that uses any particular form, graphic, picture, symbol, lighting or writing to specifically advertise, announce, declare or identify a purpose or entity or to communicate information of any kind to the public. This shall not include accent stripes or outline lighting not part of the message area, although such features shall be subject to review in the case of conditional uses.

Signs: See Section 411 hereof.

Small Wind Turbine: A stand-alone wind energy facility intended primarily to reduce consumption of utility power in connection with residential, farm, institutional or business uses on the same parcel and which has a rated capacity of not more than 100 kW, excluding appliances and equipment relying upon wind for power, which shall be permitted everywhere.

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility.

Solid Waste Facility, Commercial: Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste.

Solid Waste Facility, Public: Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land

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and/or a building for specific purposes in accord with this Ordinance.

Specialty Shops: Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

Stable (Commercial): A structure or area used for the shelter, care and/or riding of donkeys, horses, mules or other equine for hire, remuneration or sale.

Stable (Private): An accessory structure or use which involves the keeping of donkeys, horses, mules or other equine not for hire, remuneration or sale.

Staging Area: Any area where vehicles containing solid waste are parked or located prior to depositing said solid waste at a solid waste disposal facility.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. "Public rights-of-way" shall be those open to the general use of the public, not necessarily publicly dedicated.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Supervisors: The Board of Supervisors of Milford Township.

Tourist Recreational Facility: A recreational facility designed to provide overnight accommodations in permanently constructed buildings in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc.. Also including restaurants and specialty shops which are primarily for guests of the facility but which may also serve the general public; but not including campgrounds or RV parks.

Township: The Milford Township Board of Supervisors with the recommendation of the Milford Township Planning Commission.

Transient Use: Occupancy of a dwelling by three or more families at separate times over the course of a year; not including three or more unrelated individuals who may, during such period, be temporarily staying at the location as a guests of the principal occupant.

Trip Ends: The total of the trips entering and leaving a specific land use or site over a designated period of time.

Truck Stop: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Truck Wash: Any building or premises or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming

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use.

Variance: Relief granted pursuant to the provisions of 608.3 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

Vehicle or Equipment Repair Operation: An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

Walk Way: A narrow passageway, no wider than six (6) feet, extending from the entrance or patio of the principle building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement, or other similar material suitable for that purpose provided Pennsylvania state standards for accessibility are met where applicable. (Note: If constructed above six (6) inches from the ground - see deck.)

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Supply, Central: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

Water Supply, On-site: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

Wind Energy Facility: An electric generation facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include small wind turbines as defined herein.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad turbine, if any.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines. (See also "Setback".)

Yard Sale: An individual private family sale of used or excess goods from a yard, garage or similar non-commercial venue.

Yard Sale, Multi-Family: A sale of used or excess goods by multiple families from a single yard, garage or similar non-commercial venue.

Zoning Officer: The administrative officer charged with the duty of enforcing the provision of this Ordinance.

The above definitions are also supplemented by those contained in other Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect this Zoning Ordinance.

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ARTICLE III - ESTABLISHMENTS OF DISTRICTS

301 General Districts

For the purposes of this Ordinance, Milford Township is hereby divided into three (3) Zoning Districts, as follows:

- RD - Residential District
- DD - Development District
- LG - Low Growth District

An additional classification is hereby made for the purpose of regulating floodplains as designated by the Federal Emergency Management Agency and the U.S.D.A. Soil Conservation Service.

302 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Milford Township; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

303 District Boundaries

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deed's Office and on the Pike County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map. In any case of uncertainty the Milford Township Board of Supervisors in consultation with the Planning Commission shall interpret the intent of the map as to location of District boundaries.

304 District Regulations

The restrictions and controls intended to regulate development in each district are set forth in the following Schedule of District Regulations which is then supplemented by other sections of this Ordinance and other ordinances of Milford Township. Any use identified as a Principal Permitted Use shall be permitted as a matter of right upon application to the Code Enforcement Officer, provided the proposed use is in compliance with these regulations. Conditional Uses are subject to Planning Commission review and Board of Supervisors approval as prerequisites to the Code Enforcement Officer issuing a permit for their establishment. Accessory Uses are permitted to accompany those Principal Permitted and Conditional Uses granted and are issued directly by the Code Enforcement Officer.

305 Zoning Permits

Whenever any owner or occupant of any property in Milford Township shall establish a new use, change an existing use, erect a new building or move, alter, add to or enlarge any land use or building for any purpose or in any manner or clear or improve a property for these purposes, such owner or occupant shall first comply with the requirements of this Ordinance and obtain a zoning permit, unless specifically exempted herefrom. A zoning permit shall also be required whenever a change in land use occurs, regardless whether any new construction is involved or not.

306 Uses Not Provided For

If a proposed use is not specifically listed in any category of uses or within any zoning district on the Schedule of District Regulations, the Planning Commission shall render a formal determination as to whether or not the use is permitted in a given district and if the use is permitted, it shall then process the application as a Conditional Use. The Planning Commission shall make its determination on the basis of similarities of the use to other specifically listed uses within various districts, taking into consideration the impacts of the use on the community and the neighborhood in which it is proposed. This shall not permit the Planning Commission to reclassify uses which are already listed nor shall the Planning Commission allow any use which is not listed in a particular district if that use is already permitted in another district.

307 Minimum Development Standards

The development standards contained herein, including for yards, are minimums and shall apply to each dwelling unit

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unless otherwise specifically provided. A new two-family dwelling shall, for example, require the equivalent of two minimum sized lots insofar as lot area, and yards, as will any two dwelling units on the same property. An exception may be granted as a Conditional Use, however, when the second unit is restricted to the occupancy of a parent, child or other family member requiring assistance with the activities of daily living. Minimum lot areas applicable to non-residential uses shall be based on equivalent dwelling units using anticipated sewage flows as a basis for conversion of these activities to dwelling units. Conversions into equivalent dwelling units shall be made by reference to the table below and Chapter 73 of the Regulations of the Pennsylvania Department of Environmental Protection where the table provides insufficient information.

Commercial Use Units Equal to One Dwelling Unit

Beauty shop	0.5 per shop
Hotels/motels	1 per 4 rooms
Offices	1 per 40 employees
Retail/service enterprises	1 per toilet
Restaurant	1 per 40 employees/patrons
Warehouses	1 per 10 employees

308 Minor Impact Uses

308.1 Within the LG and DD Districts, Minor Impact Uses shall be processed as Principal Permitted Uses, notwithstanding their classification on the Schedule of District Regulations and provided the uses are allowed in the district as Conditional Uses. The following factors shall be applied to determine if a use will qualify as a Minor Impact Use. The determination shall be made by the Code Enforcement Officer in consultation with the Township Planning Commission should he choose.

- A. The proposed activity shall use less than 2,500 square feet of building floor area.
- B. The proposed use shall not involve the outside storage of materials or supplies except for minor incidentals and a maximum of three (3) vehicles used in everyday service on behalf of the business.
- C. Regardless of its classification, the proposed use shall comply with landscaping, parking, sign and other performance standards.
- D. The activity shall not cause a nuisance to surrounding property owners; adversely impact the peace, health, or safety of neighborhood residents; or cause a deviation from the character of the neighborhood. Factors for evaluating this standard shall be:
 1. Traffic - whether or not the business is generating traffic that is excessive and/or detrimental to the neighborhood. A Minor Impact Use will be allowed to generate no greater than one-hundred (100) vehicle trips per day, based on estimates provided by the Institute of Transportation Engineers. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised, at the discretion of the Planning Commission. The factors which shall be used for such a determination include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, the number of children present and the ability to secure a highway occupancy permit.
 2. Parking - whether or not parking problems could result from the use. Factors shall include, but not be limited to: 1) except for special gatherings, parking required for the business shall be provided on-site or be limited to the area along the frontage of the property on the street; 2) parking on the property shall be on a surface equal in quality to the paving surface of any existing driveway unless there is no surface other than the ground, in which case a gravel surface shall be provided; and 3) no Minor Impact Use shall be permitted which requires parking of tractor-trailer combinations along the street on a continuing basis.
 3. Nuisance - whether or not the use is causing a nuisance to surrounding property owners or is deviating from the character or appearance of the neighborhood.

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308.2 No Minor Impact Use, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this Ordinance. Any addition or expansion which takes a use above the upper limits established for a Minor Impact Use shall be processed as a Conditional Use.

309 Exceptions to Dimensional Requirements.

309.1 Projections into Yards

Bay windows, fireplaces, fire escapes, uncovered stairs and landings, balconies and cornices, canopies, eaves, and other architectural features not required for structural support may project into the required side, front, or rear yard not more than a total of three feet (3).

309.2 Height Limitations

Height limitations specified by district shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, silos, flag poles, radio and TV towers, masts and aerials, public utility poles and towers, and parapet walks that extend not more than four feet (4') above the limiting height of the building.

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Milford Township Zoning Ordinance - Schedule of District Regulations				
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see § 303)	Accessory Uses	Development Standards
RD Residential District: This district is intended to promote and maintain a sound living environment and to provide the opportunity for housing for all social and income groups.	Agricultural activities, excluding intensive livestock operations Conservation subdivisions Forestry enterprises, except sawmills Single-family detached dwellings Two-family dwellings (provided the lot area is twice the minimum required for a single-family detached dwelling)	Bed and breakfast establishments Cemeteries Child care facilities Churches Commercial nurseries Craft shops of 200 sq. ft. or less in gross floor area Farm stands Golf courses, excluding miniature golf and driving ranges Group care facilities Housekeeping cottages Private schools Professional offices of 1,500 sq. ft. or less in gross floor area Public and semi-public uses	Carports Customary accessory uses and structures Essential services Home gardening, nurseries & greenhouses Home-based businesses Private parking areas and garages Private stables Private swimming pools Signs as provided hereunder TV satellite dishes	Minimum lot area: Lots with central water & sewage: 30,000 sq. ft. 1 acre With on-site water or sewage: Minimum average lot depth/width: Lots with central water & sewage: 100 feet 150 feet Minimum yards: Front 35 feet Side 20 feet Rear 20 feet Maximum lot depth to lot width ratio: 3:1 Maximum building height: 45 feet Maximum lot coverage: 25%
LG Low Growth District: This district is intended to preserve open space while allowing for lower density housing and other compatible uses, employing conditional use review in the case of certain uses allowed to ensure environmental and community protection.	Agricultural activities, excluding intensive livestock operations Bed and breakfast establishments Conservation subdivisions Farm stands Minor Impact Uses Single-family detached dwellings Two-family dwellings (provided the lot area is twice the minimum required for a single-family detached dwelling)	Airports Assisted living and senior housing Campgrounds & recreational vehicle parks Child care facilities Commercial nurseries and greenhouses Commercial stables Communications towers Contracting businesses & trades Country clubs Garden centers Group care facilities Housekeeping cottages Intensive livestock operations Kennels Manufacturers with less than 5,000 sq. ft. in gross floor area Mini-warehouses Mobile home parks Multi-family dwellings Natural resource uses Private recreation facilities Professional offices Public and semi-public uses Restaurants, not including fast-food or drive-through facilities Tourist recreation & lodging facilities Warehouses & wholesale businesses with <250 trip-ends/day	Carports Customary accessory uses and structures Essential services Home gardening, nurseries & greenhouses Home-based businesses Private parking areas and garages Private stables Private swimming pools Signs as provided hereunder TV satellite dishes	Minimum lot area: 2 acres Minimum average lot depth/width: 200 feet Minimum yards: Front 50 feet Side 40 feet Rear 50 feet Maximum lot depth to lot width ratio: 3:1 Maximum building height: 45 feet Maximum lot coverage: 25% Note: The minimum lot area for commercial uses shall be one (1) acre per equivalent dwelling unit based on sewage flows, provided a minimum of one (1) acre in total land area is provided. The minimum average lot depth/width applicable to commercial uses shall be 150 feet and where such uses adjoin other commercial uses the minimum front yard shall be 35 feet and the minimum rear and side yards shall be 25 feet.

Milford Township Zoning Ordinance

Milford Township Zoning Ordinance - Schedule of District Regulations				
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see § 308)	Accessory Uses	Development Standards
DD Development District: This district is intended to provide for the normal growth of business and services to meet the needs of area residents and to provide for the development of light manufacturing.	Bed and breakfast establishments Conservation subdivisions Farm stands Forestry enterprises, except sawmills Minor Impact Uses Personal service shops Professional offices Single-family detached dwellings Specialty shops Studios Two-family dwellings (see § 409.7) Undertaking establishments	Adult stores Agricultural activities Animal hospitals Assisted living and senior housing Bulk fuel storage facilities Bus terminals Car and truck washes Child care centers Club houses, lodges and country clubs Commercial nurseries & greenhouses Commercial stables Communications towers Contracting businesses & trades Garden centers Gasoline service stations Group care facilities Health facilities Hotels, motels & other tourist lodging Junkyards Kennels Manufacturing Mini-warehouses Mobile home parks Multi-family dwellings Natural resource processing Private recreational facilities Private schools Public and semi-public uses Research and development facilities Restaurants Retail and service establishments Sawmills Solid wastes disposal/staging facilities Tourist recreational facilities Truck stops and terminals Vehicle sales, supply & service facilities Warehouses & wholesale businesses	Carports Customary accessory uses and structures Essential services Home gardening, nurseries & greenhouses Home-based businesses Private parking areas and garages Private stables Private swimming pools Signs as provided hereunder TV satellite dishes	Minimum lot area: Lots with central water & sewage: With on-site water or sewage: Minimum average lot depth/width: Lots with central water & sewage: With on-site water or sewage: Minimum yards: Front Side Rear Maximum lot depth to lot width ratio: Maximum building height: Maximum lot coverage: (See Section 414 for lot coverage criteria applicable to non-residential uses - up to 65% permitted) 30,000 sq. ft. 1 acre 100 feet 150 feet 35 feet 25 feet 20 feet 25 feet 3:1 45 feet 25%
	Nothing in the Milford Township Zoning Ordinance shall be construed to supersede Pennsylvania law regarding rights to farm.			

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ARTICLE IV - SUPPLEMENTARY REGULATIONS

401 Home-based Businesses

401.1 Home-based businesses are permitted as Accessory Uses in all districts, provided they do not detract from the residential character or appearance of the neighborhood in which the business is located. Because of the need these types of businesses may have for advertising and display, and the unpredictability of traffic generation, owners of such businesses must be very cautious about how they operate their business to ensure they do not adversely impact the surrounding neighborhood. The following factors shall be used to determine if a home-based business will comply with or is in violation of this ordinance. The determination can be made on any one, or a combination, of these factors and shall be made by the Code Enforcement Officer in consultation with the Township Planning Commission should he choose.

- A. Extent of the business - whether or not the residential use is still the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the property used for the business and the amount of time the business is operated on a daily basis.
- B. Appearance from an adjacent street - whether or not the use of the property as a business is distinguishable from an adjacent street. Except for a non-illuminated, identification sign no larger than four (4) square feet in size attached to the principle structure, nothing shall occur on the property that can be observed from adjacent streets that make it readily apparent that a business is being operated on the premises. In cases where the principal structure is obscured from the street, or the structure is setback more than fifty (50) feet from the property line, a non-illuminated ground sign not to exceed four (4) square feet may be used. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its residential appearance, and no activity related to the conduct of the home -based business shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract attention to the business or adversely impact the residential character of the neighborhood.
- C. Impact on the neighborhood - whether or not the business activity is causing a nuisance to surrounding property owners; is adversely impacting the peace, health, or safety of neighborhood residents; and/or is causing a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall be:
 - 1. Traffic - whether or not the business is generating traffic that is excessive and/or detrimental to the neighborhood. A home-based business will be allowed to generate no greater than twenty-four (24) vehicle trips per day, based on estimates provided by the Institute of Transportation Engineers. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised, at the discretion of the Planning Commission. The factors which shall be used for such a determination include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, and the number of children present.
 - 2. Parking - whether or not parking problems could result from the use. Factors shall include, but not be limited to: 1) except for special gatherings, parking required for the business shall be provided on-site or be limited to the area along the frontage of the property on the street; 2) parking on the property shall be on a surface equal in quality to the paving surface of any existing driveway unless there is no surface other than the ground, in which case a gravel surface shall be provided; and 3) no home-based business shall be permitted which requires parking of tractor-trailer combinations along the street for other than short-term delivery purposes.
 - 3. Nuisance - whether or not the use is causing a nuisance to surrounding property owners or is deviating from the residential character or appearance of the neighborhood.

401.2 No home-based business, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this law and such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home-based business to a commercial use by the

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abandonment of the residence or sale, rent or transfer of the business to a party which does not reside on-site is strictly prohibited unless the business is then moved off-site.

- 401.3 Nothing herein shall be construed to prevent smaller contracting businesses and trades from operating as home-based businesses provided they comply with this §401.

402 Accessory Structures and Uses

All accessory structures shall conform to the minimum setback regulations established in Article IV except as permitted below.

402.1 Unattached Structures Accessory to Residential Buildings

Structures accessory to residential buildings which are not attached to a principal structure and do not exceed eight (8) feet in height and two-hundred (200) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side yard is reduced to less than ten (10) feet. This setback reduction shall be permitted only for one such accessory structure per parcel. In the case of corner lots, the full front yards as required for the District shall be maintained.

402.2 Attached Accessory Structures

An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.

402.3 Accessory Structures to Non-Residential Buildings

Unattached accessory structures for other than residential structures or uses shall comply with front, side: and rear setback requirements for the principal structure, except as follows:

- A. Parking and landscaping may extend into required yards of DD Development Districts, provided no less than ten (10) feet of separation is maintained from the property line.
- B. Parking and landscaping with respect to non-residential uses permitted by either Conditional Use or Special Exception in zoning districts other than DD, or a DD non-residential use abutting a residential use adjoining the DD District, shall meet the standards of Section 410.5.E hereof.

402.4 Private Outdoor Swimming Pools

A single private outdoor swimming pool per dwelling unit is permitted as an accessory structure to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool is not located closer than ten (10) feet to any property line and that a fence not less than four (4) feet high and of a design (i.e., chain link, wire mesh, solid picket, etc.) to restrict access shall completely surround the area of any ground level swimming pool. Access to all pools shall be restricted when the pool is not in use.

402.5 Fences

Fences shall be limited to eight (8) feet in height excepting that fences surrounding tennis courts or similar recreational facilities may extend to ten (10) feet in height. The Township may, in conjunction with approval of a land development plan, require a setback of up to three (3) feet for maintenance purposes.

402.6 Energy Devices

Nothing herein shall be construed to limit the rights of any landowner or group of adjacent landowners to erect wind energy or other alternative energy devices for the purposes of generating electricity, heat, cooling or other forms of energy for on-site consumption, excepting energy sold back to utility companies and provided the commercial and industrial performance standards and other development standards contained herein are met in full. Industrial wind turbines shall be limited to Development Districts and 150 feet in height and otherwise comply with standards for small wind turbines as provided below. All wind turbine applications shall be processed as Conditional Uses. The Township may approve small wind turbine applications designed

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for residential, farm, institutional and business use on the same parcel. All small wind turbines shall comply with the following standards and, to the maximum extent practicable, with all other requirements of this law not in conflict herewith:

- A. A system shall be located on a lot of five acres minimum lot area. However, this requirement can be met by multiple owners submitting a joint application.
- B. Only one small wind turbine per legal lot shall be allowed, unless there are multiple applicants, in which their joint lots shall be treated as one site for purposes of this law.
- C. Small wind turbines shall be used primarily to reduce the on-site consumption of electricity, excepting energy sold back to utility companies.
- D. Total height shall be a maximum of 100 feet. All turbines shall be setback from the property line no less than 150 feet.
- E. The maximum turbine power output is limited to 100 kW.
- F. Tower-climbing apparatus shall be located no closer than 12 feet from the ground, a locked anti-climb device shall be installed on the tower or a locked, protective fence of at least six feet in height that encloses the tower, shall be installed to restrict tower access.
- G. Anchor points for any guy wires for a system tower shall be located within the property upon which the system is located and not on or across any above-ground electric transmission or distribution lines.
- H. All turbines shall comply with commercial performance standards so as to ensure noise at any given time shall not exceed 5 decibels above the ambient noise level measured at the property lines.
- I. The Township shall require a financial guarantee to ensure removal of turbines no longer in active use.

402.7 Clothing and Donation Bins

Clothing and donation bins where used goods are collected for later pick-up, processing and redistribution or sale shall be permitted as accessory uses to a commercial use provided they are not used for advertising off-site businesses or enterprises and are limited to listing the ownership and directions for using the bins. Such bins shall also be limited to four per lot and shall not be located within any required yard areas applicable to principal uses. Such bins shall be limited to DD Districts and subject to such placement restrictions as the Zoning Officer shall determine necessary to address safety and visibility issues.

403 Mobile Home and RV Parks

403.1 Mobile Home Parks

Mobile home parks shall comply fully with the requirements of the Milford Township Mobile Home Park Ordinance and the Milford Township Subdivision Regulations prior to the issuance of any zoning or occupancy permits relating to the same.

403.2 Recreational Vehicle Parks and Campgrounds

Recreational Vehicle Parks and Campgrounds shall be considered recreational land developments for the purposes of this Section.

- A. A campground or RV Park subdivision or development shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.
- B. Landscaping shall be provided in accord with the requirements of Section 410 hereof, provided that the Township shall be authorized to require additional landscaping and screening as may be required

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to achieve effective buffering of particular uses from adjoining properties, so as to ensure impacts across property lines are minimized.

- C. Recreational land development lots or camping sites shall be at least fifty (50) feet wide and one-hundred (100) feet deep, excepting transient recreational land developments which may be clustered. Gross density, however, shall not exceed a total of eight (8) sites per acre for the development. Frontages on cul-de-sacs may be varied.
- D. Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding the requirements of Section 402 above, no recreational vehicle or tent platform shall be located closer than twenty-five (25) feet to the street right-of-way; closer than twenty five (25) feet to any other recreational vehicle or tent platform; or one-hundred (100) feet to any adjacent property line.
- E. At least two (2) off-street parking spaces shall be provided for each site. At least one (1) such off-street parking space shall be provided on each lot as required.
- F. The residential street design standards contained in Article III of this Ordinance shall apply to streets within non-transient recreational land developments.
- G. Transient recreational land development street shall be not less than thirty-three (33) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Township Board of Supervisors, based upon the size of the development, site conditions and type of development proposed (i.e. primitive tent camping or RV camping).
- H. No individual on-site sewage or water supply shall be permitted, and all community system for the common use of campsite occupants shall fully comply, as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Resources and Milford Township.
- I. The following additional regulations shall apply to all recreational land developments:
 - 1. Appurtenances - No permanent external appurtenances, such as carports, decks, cabanas or patios, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
 - 2. Location - A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per one-half acre, nor require movement of traffic from the park through such an area to obtain access to a public highway.
 - 3. Common Use Areas - A minimum of 10% of the gross site area of the recreational land development shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
 - 4. Entrances and Exits - Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than five-hundred (500) feet of sight distance exists in either direction along the State or Township road, nor shall such intersection be located within one-hundred fifty (150) feet of any other intersection. Such distance shall be measured from centerline to centerline.
 - 5. Parking Areas - In connection with the use of any recreational land development, no

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parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space located and sized so the prohibitions above may be observed, and shall be responsible for violations of these requirements.

6. **Occupancy - Campsites** shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than eleven (11) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal within the immediately preceding eleven (11) months. These requirements shall be attached to each campsite sale or membership in non-transient recreational land developments by restrictive covenant.
7. **Records** - The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.
8. **Sanitary Waste Disposal** - No owner or occupant of any campsite or recreational land development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any individual campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within six hundred (600) feet of each lot or campsite.
9. **Fences** - All property and/or lot lines within the development shall be kept free and open; and no fences, except as may be required by this Ordinance for screening purposes or may exist naturally, hedges or walls, shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.
10. **Nuisances** - No noxious or offensive activities or nuisances shall be permitted in any recreational land development.
11. **Animals** - No animals shall be kept or maintained in any recreational land development, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
12. **Garbage and Refuse Disposal** - No person shall burn trash, garbage or other like refuse in any recreational land development. All such refuse shall be placed and kept in airtight receptacles for the same. No owner or occupant shall permit the accumulation of litter or refuse or junk vehicles in any recreational land development.
13. **Camping Accessories** - Picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

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14. Ditches and Swales - Each individual owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.
 15. Drilling and Mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.
 16. Vehicle Parking - No vehicle shall be parked on any street or roadway within the development.
 17. Fire Rims - Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.
 18. Water Supply - Potable water drinking fountains shall be provided within three hundred (300) feet of each campsite.
- J. The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational developments and shall be made part of a management plan for any transient recreational developments, which covenants and/or plan shall be approved by the Township Board of Supervisors in its review of preliminary and final plans for the recreational development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient recreational developments. This shall be in addition to the submission requirements contained in the Township Subdivision Ordinance. A plan or set of covenants which does not adequately provide for conformance with this section shall not be approved. The plan and/or covenant shall also provide the Township with the option (but not the obligation) of being a part to their enforcement and include a right for the Township to periodically inspect the development for continued compliance with the plan and/or covenants.

404 Conservation Subdivisions.

The Township shall be authorized, simultaneously with the approval of plans under the Milford Township Subdivision and Land Development Ordinance, to modify applicable provisions of this Zoning Law so as to accommodate conservation subdivision projects. Also known as "cluster development", conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. They shall be allowed anywhere within Milford Township and be processed pursuant to Section 610 of the Milford Township Subdivision and Land Development Ordinance.

405 Junk Yards

Junk yards shall be considered conditional uses in the LG District only and shall be subject to the following restrictions, which shall apply to both existing and proposed junk yards:

405.1 Federal Regulations

Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration.

405.2 Right-of-way Setback

No junk yard created after the effective date of this Ordinance shall be located closer than one-thousand (1000) feet to an existing public right-of-way.

405.3 Enclosure

The surrounding wall or fence of any junkyard located adjacent to a public street or residential area shall be a minimum twenty-five (25) feet from the edge of any public street right-of-way and fifty (50) feet from the

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boundary line thereof of any residential property and be adequate to screen all portions of the junk yard from view from the public street or from residential areas. The Township shall also be authorized to require additional landscaping and screening or otherwise modify this standard as may be required to achieve effective buffering from adjoining properties, so as to ensure impacts across property lines are minimized.

405.4 Trash

The area used for a junk yard shall not be used as a dump area nor as a place for the burning and disposal of trash.

405.5 Junkyard Ordinance

All existing and proposed junkyards shall fully comply with the provisions of the Milford Township Junkyard Ordinance, Ordinance #15 of 1975.

406 Special Lot Provisions

406.1 Yards

All yards abutting a street line or corner lots shall meet district requirements for front yards.

406.2 Reduced Front Yard

When an improved lot is situated between two improved lots with front yards less than those required for the District, the front yard required may be reduced to the average of the two existing yards but in no case shall be less than fifty (50) percent of the yard normally required.

406.3 Clear Sight Triangle

A clear sight triangle of not less than seventy-five (75) feet in either direction from the intersection shall be maintained on all corner lots.

407 Commercial, Manufacturing and Other Non-Residential Uses

The following performance standards shall apply to all commercial, manufacturing and other non-residential uses. (Note - This section shall not apply to agricultural uses):

407.1 Reserved

407.2 Operations and Storage

All facilities and operations of the principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Township, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. However, not more than two (2) licensed trailers, maintained in good condition, shall be permitted for such storage over the course of a construction project, not to exceed two (2) years. The placement of said trailers shall also require a permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material.

407.3 Fire and Explosion Hazards

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). All buildings shall comply with the most current BOCA or NFPA standards as required by the Township.

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Additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

407.4 Radioactivity or Electric Disturbance

No activities shall be permitted which exceed federal standards for radioactivity emissions, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

407.5 Noise

The maximum sound pressure level radiated by any use or facility at any lot line shall not exceed five (5) dB(A) above the ambient noise level or sixty (60) dB(A), whichever is less. The ambient noise level shall, in the absence of a professional study documenting generally prevailing noise in the immediate vicinity of the proposed activity, be assumed to be 45 dB(A). The sound pressure level shall be measured with a Sound Level Meter conforming to standards prescribed by the American Standards Association. The Township may require additional setbacks, buffers and fencing, or limit the hours of operation to mitigate any potential noise impacts of any proposed use.

- A. Maximum Levels - The maximum permissible sound pressure levels at the lot line for noise radiated shall apply to noise made continuously from any facility or activity between the hours of 9:00 p.m. and 7:00 a.m..
- B. Corrections - If the noise is not smooth and continuous, and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., the decibel level may be increased by five (5) decibels.
- C. Exemptions - The maximum permissible sound levels of this Section 605.5 shall not apply to any of the following noise sources:
 - 1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
 - 2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
 - 3. Construction operations (including occasional blasting in construction) and repairs of public facilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
 - 4. Agricultural activities.
 - 5. Motor vehicles when used on public streets in accord with state regulations.
 - 6. Railroads and aircraft.
 - 7. Public celebrations, specifically authorized by the Town, the County, state or federal government body or agency.
 - 8. Unamplified human voices.
 - 9. Routine ringing of bells or chimes by a place of worship or municipal clock.

407.6 Vibration

No vibration shall be permitted which is detectable without instruments at the property line.

407.7 Lighting and Glare

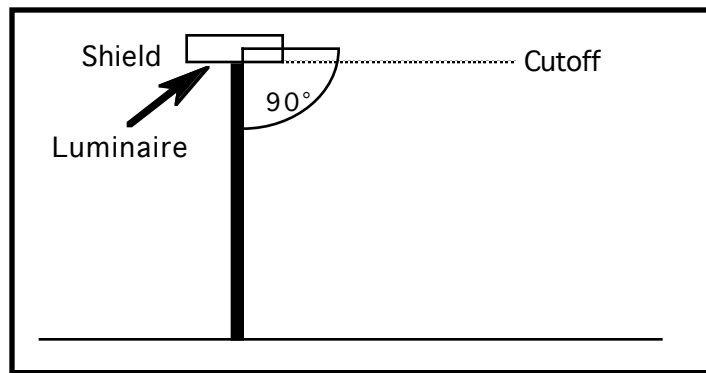
No light source shall be exposed to the eye except those covered by globes or defusers. Other lighting shall

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be indirect or surrounded by a shade to hide visibility of the light source. Lighting design should be an inherent part of the architectural design. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. Light sources shall comply with the following standards:

Type of Light Source	Maximum Illumination Permitted at Property Line	Maximum Permitted Height of Light
Globe light	0.20 Footcandles	15 Feet
>90% Cutoff	0.75 Footcandles	25 Feet
<90% Cutoff	2.00 Footcandles	30 Feet



No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.

407.8 Smoke

No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.

407.9 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

407.10 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

407.11 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring

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wells and water quality testing may also be required by the Township.

The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies.

In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

407.12 Reserved

407.13 Stormwater Management and Soil Erosion Control

A stormwater management plan and soil erosion control plan shall be provided to the Township for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in Sections 605 and 606, respectively, of the Township Subdivision Ordinance; and County Conservation District standards.

The protection of the quality of ground water and surface water shall be an integral part of all proposed stormwater management practices; and all stormwater management plans shall include an element specifically addressing water quality. The plan shall provide for the minimization of the discharge of "first flush" sediments off the project site or directly to infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.

407.14 Waste Materials

No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. The Township may, for these purposes, require an applicant to document how and where such is removed and disposed and to make available on a regular basis reports thereof. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground.

407.15 Sewage Disposal

Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Resources. Discharge to such system shall be limited to human wastes. No discharge of wastes or materials in any way associated with a production process shall be permitted to any sewage system.

407.16 Other Regulations

Documentation shall be provided by the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Resources, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

408 Parking, Loading, Access and Traffic Standards

408.1 Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. Single-family and two-family residential uses shall be provided with two (2) off-street parking spaces per dwelling unit. Parking and loading area needs with respect to all other uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on the following factors:

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- A. Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Commission or the Code Enforcement Officer, as the case may be, may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of such industry sources.
- B. The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, though the number of dwelling units might be the same.
- C. The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
- D. Recommendations, if any, from other public agencies or information sources which suggest, based on experience, the appropriate amount of parking in connection with a given use.
- E. The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
- F. Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following parking standards may be applied by the Planning Commission or the Code Enforcement Officer, as the case may be:

Land Use	Parking Spaces
Home-based businesses	1 space per 100 sq. ft. of gross floor area in use
Hotels/motels	1 per employee (largest shift) plus 1 space per rental room
Industrial uses	1 space per 400 sq. ft. gross floor area
Places of public assembly	1 space per 3 seats
Offices	1 space per 175 sq. ft. gross floor area
Restaurants	1 space per 50 sq. ft. gross floor area
Auto service stations	8 spaces plus 1 per employee
Grocery stores	1 space per 100 sq. ft. gross floor area
Convenience stores	10 spaces plus 1 space per 150 sq. ft. gross floor area
Fast food restaurant	1 space per 40 sq. ft. gross floor area
Other retail or commercial	1 space per 150 sq. ft. gross floor area

The Township may, where industry studies accepted by it suggest lower amounts of parking than the above, require the difference be reserved as a future parking area, the Township having the right, as a condition of approval, to order improvement of such area for parking use, in the event of need as shall be determined in the discretion of the Board of Supervisors. The Township may also require greater amounts of parking to meet specific needs identified during the application review process.

- 408.2 Each parking space shall consist of not less than an average of three-hundred (300) square feet of usable area for each motor vehicle, including a designated parking space of no less than ten (10) feet in width and twenty (20) feet in length plus interior driveways, driveways connecting the garage, or parking space, with a street or alley. Interior driveways separating rows of parking spaces shall be not less than twenty-five (25) feet in width so as to provide adequate maneuvering area for vehicles entering or leaving a parking space. This distance may be reduced to 20 feet for 60 degree angle parking, 15 feet for 45 degree angle parking and 13 feet for 30 degree angle parking. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces.
- 408.3 Any lighting used to illuminate off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.
- 408.4 All parking areas which are designed to accommodate sixty (60) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. The following minimum layout standards shall apply:
 - A. No more than twelve (12) parking spaces shall be allowed in a continuous row uninterrupted by

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landscaping. Raised planting beds shall be located at intervals of twelve (12) spaces and at the end of each row. Such beds shall be a minimum of five (5) feet in width and each planted with at least one (1) shade tree of 3 inch caliper. The remainder of the bed shall be surfaced with flowers, grass, groundcover, low maintenance shrubs and/or mulches (no crushed stone or chips).

- B. Planting beds meeting the above standards with at least one (1) shade tree of 3 inch caliper for every thirty (30) lineal feet of bed shall also be required along the perimeter of all parking areas and between parking areas and buildings. The area between a parking area and any building shall be a minimum of ten (10) feet in width, however. No less than ten percent (10%) of any parking area over one-thousand (1,000) square feet in size shall be landscaped with vegetation approved by the Township Planning Commission.
 - C. No parking areas shall be designed such that a vehicle might directly back out onto a public highway or through road within the development. Traffic flows through a parking area shall be minimized and limited to connections from one lot to another and to the public highway or through road.
 - D. All parking spaces associated with commercial uses shall be located not more than three-hundred (300) feet distant from the nearest entrance to the inside of the structure wherein the enterprise is situated.
 - E. Parking areas along main streets shall be located in the rear yard of any use, with the principal building situated at or near the front lot line. This is for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway into one mass of pavement where entrances and exits become difficult to identify. This principle shall also be applied in areas of the Township, where practical.
- 408.5 Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Commercial, manufacturing and wholesale facilities shall provide a minimum of one off-street loading space, plus one additional off-street loading space for each full 40,000 square feet of floor area, provided that the Township Planning Commission may modify this standard based upon the factors set forth in Section 408.1.A through 408.1.E above. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials. The minimum size loading space shall be seventy-five (75) feet in depth and fifteen (15) feet in width, with an overhead clearance of fourteen (14) feet.
- 408.6 Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:
- A. Access drives shall not open upon any public right-of-way within one-hundred (100) feet of any intersecting public street or highway, measured centerline to centerline, or where the sight distance in either direction would be less than two-hundred (200) feet. Access drives onto state highways shall be subject to Pennsylvania Department of Transportation standards.
 - B. There shall be no more than one entrance and one exit to any business or parking area on any one highway unless safety considerations should demand it. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits and all landscaping shall meet standards contained herein. In no case shall one entrance and exit be located within 100 feet of any other on the same property or adjoining property along the same public right-of-way. Such distance shall be measured from centerline to centerline. Non-conforming lots, however, shall be exempt from this requirement. The Township Board of Supervisors may also waive this requirement where one or both of the access drives will carry less than 100 trip-ends of traffic per day.
- 408.7 All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least ten (10) feet in depth. See also Section 402.3.
- 408.8 The Planning Commission, at its discretion, may require a traffic impact study with any Conditional Use application involving an activity likely to generate more than five-hundred (500) trip-ends per day based on the

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following daily rates:

Land Use	Trip Generation
Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-end per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross gross floor area
Institutional uses	4.0 trip-ends per employee
Other uses	See "Trip Generation" - Institute of Transportation Engineers

The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers. Its purpose shall be to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Planning Commission.

409 Multi-Family Dwellings

Multi-family dwelling projects are considered conditional uses in certain Districts in order to provide the opportunity for the development of a variety of housing types in the Township. In addition to the Conditional Use Standards set forth in Section 608 of this Ordinance and the Township Building Code, the following standards shall apply to multi-family developments.

409.1 Procedure

Multi-family dwelling projects shall be considered major subdivisions and land developments subject to the Township Subdivision and Land Development Regulations. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Township Planning Commission in the manner provided in the Subdivision Regulations. The developer shall also submit all information required by said Regulations in addition to the following additional information:

- A. An application for multi-family dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use standards contained in Section 509 of this Ordinance.
- B. A proposed plot plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- C. A schedule or plan, and proposed agreement(s) either with the Township or a property owners, association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property,

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- regardless of ownership, be restricted to either (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.
- D. The application package shall be processed on a schedule concurrent with requirements for review and approval of other Preliminary Plans pursuant to the Township Subdivision Regulations including providing the County Planning Commission with a thirty (30) day opportunity to review copies of the entire package. The Township Planning Commission shall report its findings together with a recommendation indicating whether the conditional use criteria contained in Section 509 will be satisfied.

The Board of Supervisors shall act on the Preliminary Plan, conditional use, and "Planning Module for Land Development" concurrently, making the Preliminary Plan approval, if one shall be given, subject to approval Planning Module by the Pennsylvania Department of Environmental Resources (DEP).

No building permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Plan, including DEP approval of the "Planning Module", shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary Plan approval. If the Preliminary Plan shall be rejected no conditional use, building or zoning permit shall be granted.

Following Preliminary Plan approval, the developer shall provide for the installation of all required or proposed improvements including but not limited to streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as (1) Final Plan approval shall have been granted pursuant to the Subdivision Regulations, and (2) buildings have been completed and inspected by the Zoning Officer and a valid certificate of approval from the Pennsylvania Department of Labor and Industry where required is provided by the applicant.

No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or buildings or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Ordinance, and unless and until Final Plan approval and a Certificate of Use shall have been granted and the Plan has been recorded in the Office of the County Recorder of Deeds.

409.2 Parcel Size and Density

All land proposed for a multi-family dwelling project shall be contiguous.

The total number of dwelling units permitted shall be calculated by taking the total acreage of the development (including all areas to be devoted to open space), deducting the following acreage:

- A. Land contained within public rights-of-way
- B. Land contained within the rights-of-way of existing or proposed private streets. Where formal rights-of-way are not involved, the width of the street shall be assumed as fifty (50) feet.
- C. Land contained within the boundaries of easements previously granted to public utility corporations providing electric or telephone service, and any petroleum products pipeline rights-of-way.
- D. The area of waterbodies including lakes, ponds and streams (measured to the normal high water mark on each side); wetlands; quarries; areas with slope in excess of twenty-four (24) percent or greater; and areas used for improvements;

and then dividing the remainder by thirty thousand (30,000) square feet per dwelling unit.

409.3 Open Space

All areas of a development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space or be dedicated to recreation area to be used for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space

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shall be part of the same parcel and contiguous and shall be subject to the following regulations:

- A. Recreation areas shall be immediately adjacent to the proposed units and freely and safely accessible to all residents of the development and shall not be used to fulfill open space requirements or provide recreational areas for residents of other units.
- B. Land designated as open space shall be maintained as open space and may not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed excepting that a holding zone may be reserved for future development pursuant to density and other zoning requirements as they presently exist, provided such lands are specifically defined and indicated as "reserved for future development" on all plats. Such lands shall not be included in calculating permitted density for the proposed development. These provisions, however, shall not be construed as granting or reserving to the developer any rights or privileges to develop on the basis of a "pre-approved plan" if density or other zoning requirements shall have been modified to preclude such development.
- C. Open space areas shall be maintained so that their use and enjoyment as are not diminished or destroyed. Such areas may be owned, and maintained by either one or both of the following mechanisms:
 - 1. Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 - 2. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, the open space as shall have been dedicated to recreation area for the project.

Whichever mechanism(s) may be used, the developer shall provide, to the satisfaction of the Township and prior to the granting of any Final Plan approval, for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.
- D. At least fifty (50) percent of the designated recreation area shall be usable for active recreational activities and shall not include swamps, quarries, slopes over twenty-four (24) percent in grade, or acreage used for improvements. Storm drainage facilities are considered improvements.
- E. Developments of fifty (50) units or more shall also include parks and playgrounds according to the following formula; one-half acre per fifty (50) units.

409.4 Design Criteria

The following design criteria shall apply to multi-family developments:

- A. There shall be no more than ten (10) dwelling units in each multi-family building.
- B. No structure shall be constructed within fifty (50) feet of any access road to or through the development or within ten (10) feet of the edge of any parking area.
- C. Access roads through the development shall comply with the street requirements of the Township Subdivision Regulations for minor roads.
- D. No multi-family development shall be served by more than one access from any public highway, unless topographic or other physical circumstances dictate the use of more than one access for safety reasons.
- E. Parking shall be provided in accord with the requirements of Section 408 hereof.
- F. All multi-family structures shall be separated by a distance at least equal to the height of the highest

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adjoining structure.

- G. All multi-family structures, improvements and any effluent disposal areas shall be a minimum of fifty (50) feet from any exterior property lines and any public road right-of-way.
- H. Landscaping shall be provided in accord with the requirements of Section 410 hereof.
- I. Multi-family developments shall be subject to the stormwater management requirements of the Township Subdivision Regulations.
- J. Sidewalks shall be provided from all buildings and/or units to their respective parking area and shall be of a design approved by the Township and shall be a minimum of three (3) feet in width improved to a mudfree condition.
- K. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion. The Township shall authorize to require specific placement so as to ensure such storage areas are hidden to the maximum extent practicable.

409.5 Water and Sewage

All multi-family developments shall be served with off-site sewage facilities and water supplies (as defined in the Township Subdivision Ordinance). Developers proposing the use of either community sub-surface sewage disposal or treatment involving a stream discharge shall have first investigated and determined that land application of effluent is not feasible. Effluent disposal areas shall be subject to the setback requirements applicable to other multi-family buildings and structures. Developments using sub-surface or land application sewage disposal shall identify on the development plan reserve areas suitable for similar sewage disposal to be used in the case of the malfunction of the primary system.

409.6 Non-Residential Use

Non-residential uses shall not be permitted in a multi-family development. Such ancillary facilities as laundry areas, service buildings recreational facilities and the like for the use of the residents of the project shall be permitted. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two-hundred (200) feet and the parcels shall be clearly segregate.

409.7 Conversions of Existing Structures

Conversions of existing structures for two-family or multi-family dwelling uses or mixed commercial and residential use, regardless whether or not such conversions involve structural alterations, shall be subject to this Section 409 with the following exceptions:

- A. The minimum lot area per dwelling unit in Development Districts shall be reduced to 10,000 square feet per bedroom or efficiency apartment, provided no more than four (4) dwelling units are established per acre of land.
- B. The Township Planning Commission shall be authorized, with the subsequent approval of the Board of Supervisors, to waive any procedural standards contained in this Section 409 insofar as their applicability to existing structures or the redevelopment of existing uses and shall instead rely upon the standards of Sections 500-507 (to the extent these are applicable) and 608 hereof.
- C. Non-residential uses may be mixed with residential to the extent other provisions of this Ordinance so permit. Minimum development standards applicable to such activities shall be based on sub-section A above and equivalent dwelling units determined from anticipated sewage flows (see Section 307).

409.8 Common Property Ownership and Maintenance

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In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. This shall specifically include, but not be limited to, provisions dealing with the ownership and maintenance of open space, improvements and utilities. Said arrangement shall indemnify the Township of any responsibility associated with same; and shall be prepared in accord with the Township Subdivision and Land Development Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

410 Landscaping Standards

- 410.1 So as to provide buffer between adjacent residential and non-residential uses and create a healthy, safe and aesthetically pleasing environment, the Planning Commission, shall require a landscape plan be prepared as part of any Conditional Use application. Such a plan shall also be required whenever any non-residential use is proposed in any district so as to buffer parking areas and buildings from the highway, each other and other uses.
- 410.2 The landscape plan shall specify locations of all mature shade trees or other species of six (6) inch caliper or greater and indicate existing vegetation to be removed or preserved. It shall demonstrate how building materials, colors, and textures will be blended with the natural and man-made landscape. It shall also include visual depictions of the proposed landscape from the perspective of persons who will view the site from the highway or adjoining properties. Specific locations, varieties, sizes, winter hardiness, and schedules for all proposed plantings shall, too, be provided as part of the plan.
- 410.3 Landscape plans shall be prepared by a licensed landscape architect or other design professional qualified to perform such services and include consideration of all man-made and natural features, including signs.
- 410.4 The Planning Commission, in reviewing a landscape plan, may employ the assistance of design professionals and seek the non-binding advice of interested civic organizations concerned with community beautification. They shall also specifically consider the following before approving, approving with modifications or disapproving the use:
- A. The plan should promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property and complement the character of the surrounding area.
 - B. The plan should use landscaping to delineate or define vehicular and pedestrian ways and open space.
 - C. The plant material selected should be of complementary character to buildings, structures and native plant species and be of sufficient size and quality to accomplish its intended purposes.
 - D. The plan should effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development as contrasted with the natural environment.
 - E. The plan should be realistic in terms of maintenance and use materials which, as a minimum, are winter hardy to Zone 4.
- 410.5 Landscaping Standards. All new landscaping required shall meet the following minimum specifications:
- A. The minimum branching height for all shade trees shall be eight (8) feet.
 - B. Shade trees shall have a minimum caliper of three (3) inches (measured 4 feet above grade) and be at least twelve (12) feet in height when planted.
 - C. Evergreen trees shall be a minimum of eight (8) feet in height when planted.
 - D. Shrubs shall be a minimum of 24" in height when planted. Hedges shall form a continuous visual screen within two (2) years after planting.

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- E. A buffer screen at least twenty-five (25) feet in width along any residential lot line shall be provided in the case of any Conditional Use or Special Exception. It shall include, at a minimum, one (1) evergreen tree for every fifteen (15) linear feet of property line. An additional row of evergreens meeting these standards and off-set such that each row serves to place trees between the gaps of the other, shall be permitted as a substitute for the stockade fence. The width of this buffer may be reduced along the rear and side lot lines for good cause, but not along the front lot line or to less than ten (10) feet. Other yard areas not adjoining residences shall be subject to sub-section F below.
 - F. A landscape strip at least twenty-five (25) feet in width, that includes at least one (1) deciduous tree for every thirty (30) linear feet of perimeter lot line shall be required for any non-residential Conditional Use or Special Exception. Such deciduous trees shall also be accompanied by smaller shrubs and ground cover as may be required to effectively separate and buffer the activity from the highway but still allow for visibility of the use. The width of this buffer may be reduced along the rear and side lot lines for good cause, but not along the front lot line or to less than ten (10) feet. See also Section 402.3.
 - G. All lot area (except where existing vegetation is preserved) shall be landscaped with grass, ground cover, shrubs, or other appropriate cover. All landscaped areas shall be protected from salt runoff using appropriate edge treatments.
 - H. The preservation of mature shade trees shall be required unless there is no alternative but to remove them. These may be used to meet requirements of this section provided the Code Enforcement Officer or Planning Commission, as the case may be, determines the purpose of this section is achieved.
- 410.6 Where it is determined that a proposed use would not have a significant impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be appropriately modified.
- 410.7 A performance guarantee in the amount of one-hundred-twenty-five percent (125%) of the cost of materials and installation may be required to assure that all landscaping survives in a healthy condition one (1) full year. The Code Enforcement Officer or Planning Commission, as the case may be, shall determine the amount of the guarantee. The Code Enforcement Officer shall have the right to enter upon the property to inspect the landscaping and, after notifying the owner of any deficiencies, to require that the guarantee be used to pay for the replacement of any dead, dying, diseased, stunned or infested plant materials.
- 410.8 All applicable requirements of these landscaping regulations shall be fully met prior to the Code Enforcement Officer granting a Certificate of Occupancy for a new building or use.
- 411 Sign Regulations
- 411.1 Purposes
- These regulations are enacted for the following purposes:
- A. The major highways of Milford Township have experienced sign proliferation which has produced visual clutter detrimental to the scenery of this recreational area and to the ability of businesses to communicate with the traveling public using signs. The design, size, numbers and maintenance of signs have all contributed to this situation.
 - B. It is intended to encourage signs which help people find what they need without difficulty or confusion; to preserve and, where necessary, improve the appearance of the Township; and to promote public safety by regulating the location, quality, construction and maintenance of signs.
 - C. Property values are protected and enhanced when signs are designed with these principles in mind. It is for this reason that these sign regulations also provide incentives for preferred design and quality construction.
- 411.2 Definitions
- A. Sign: Any device, facade, fixture, material or structure that uses any particular form, graphic, picture,

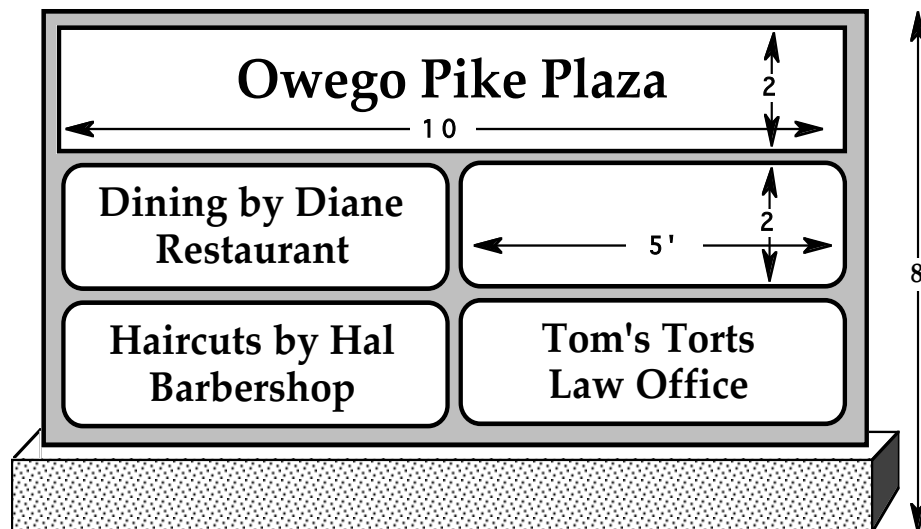
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symbol, lighting or writing to specifically advertise, announce, declare or identify a purpose or entity or to communicate information of any kind to the public. This shall not include accent stripes or outline lighting not part of the message area, although such features shall be subject to review in the case of conditional uses.

- B. **Surface area** - The size of any sign, computed by multiplying its greatest length by its greatest height. Sign poles and supports or ground sign foundations not exceeding three (3) feet in height which do not bear advertising material or are not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a facade), the surface area shall be that area within the perimeter of a single line enclosing the extreme limits of the advertising material, excepting that messages or words separated by six (6) feet or more shall be considered individual sign surfaces. Each sign surface area shall be considered a separate sign for purposes of regulation so that double-sided signs count as two signs, for example.

C. **Types of Signs**

1. **Billboard** - A free-standing off-premises sign of more than (50) square feet in surface area.
2. **[RESERVED]**
3. **Business or Institutional Identification Sign** - A sign advertising an institution or identifying the business or profession of the owner or occupant of the property on which it is placed.
4. **Canopy and Awning Sign** - A sign integrated into a canopy or awning and not extending above the structural wall of the building to which it is attached.
5. **Commercial Directory Sign** - A combination, on a single structure not exceeding eight (8) feet in height, of a ground sign identifying a business complex with other smaller uniform signs listing services or businesses on the property. Such signs shall replace any free-standing signs which the advertisers would otherwise have rights to place on the property and not use more than twenty (20) square feet in surface area on each side to identify a business complex or more than ten (10) square feet on each side to identify a specific business or service. (See example below)



6. **Contractor Sign** - A sign of a builder, contractor, mechanic, painter or other artisan which is erected and maintained during the period such persons are working on a property and immediately removed when the work is complete.

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7. **Farm Products Sign** - A temporary sign advertising the availability of fresh farm products largely produced on premises and displayed only when such products are on sale.
8. **Freestanding Sign** - A pole sign or ground sign.
9. **Ground Sign** - A separate sign rising up from a ground foundation and not over eight (8) feet in height from average ground level to the top of the sign.
10. **Home Occupation Sign** - A sign located in a residential area which only serves to direct persons to goods or service legally offered on the premises.
11. **Incidental Commercial Sign** - An advertising sign of no more than two (2) square feet in sign area on which is located a simple message directed only to persons on the lot, such as a gas pump sign, credit card sign or pricing sign placed in a window or on a door.
12. **Marquee Sign** - A permanently placed free-standing or wall sign with manually or electronically changeable copy used to advertise movies or other regular changing entertainment.
13. **Neon Sign** - A sign that is illuminated using colored gases or liquids circulating through glass or plastic tubing. Other neon features such as building accent stripes or outline lighting independent of the sign message area shall not be counted as signage but shall be subject to review in the case of conditional uses.
14. **Off-premises Advertising Sign** - A sign advertising a business, product, service, commodity or activity located off the premises on which the sign is located, not including business and institutional identification signs otherwise permitted.
15. **Pole Sign** - A sign supported by a poles(s) as a separate structure.
16. **Portable Sign** - A sign not permanently attached to the ground or a structure or designed to be transported, including signs on wheels or any other movable device or vehicle.
17. **Real Estate Sign** - A sign which advertises the availability of land, buildings or spaces within buildings as being for sale or rent and which is immediately removed upon the completion of a sale or lease.
18. **Roof Sign** - A sign painted on or attached to a roof or extending by any means, including the use of canopies, porches or artificially heightened walls, above the structural wall of a building.
19. **Sandwich Board Sign** - An A-frame shaped portable sign with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign and which is placed so as to sit on the ground.
20. **Temporary Signs or Event Advertising Banners** - Signs of twenty-four (24) square feet or less in surface area which advertise a particular event and which are constructed of plastic, vinyl, cloth, cardboard or other material which is not designed to withstand the elements for any extended period of time. Two temporary or event advertising signs of twenty-four (24) sq. ft. maximum (both sides combined) restricted to forty-five (45) days per event with a maximum of four (4) events per year shall be permitted.
21. **Traffic Directional Sign** - An informational sign on which is located a simple directive incidental to the main use of a lot and directed only to persons on the lot such as a "no parking" sign.
22. **Trespassing Sign** - A sign fastened to tree and poles with nails or staples and typically made of paper, plastic or a malleable metal to indicate lands are private and no trespassing is allowed.

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- 23. **Wall Sign** - A sign painted on or attached flush with a structural wall of a building, including window signs occupying more than 25% of the window or door surface.
- 24. **Window Sign** - A sign which is attached to a window or door or positioned in such a manner that its sole purpose is to communicate with persons on the outside of a door or window.

411.3 Procedures

- A. All signs shall comply with the standards provided on the attached Milford Township Schedule of Sign Regulations and with those additional requirements found below.
- B. An application for a permit to install or relocate a sign shall be submitted on a form obtained from the Zoning Officer, together with the fee required. Every application shall include a graphic presentation of the placement and appearance of the proposed sign. This presentation shall depict the location of the sign in relation to buildings and property features, any method of illumination, the graphic design (including symbols, letter, materials and colors) and the visual message, text copy or content. Written consent of the property owner shall also be provided.
- C. The following signs shall be exempt from all regulation by the Township:
 - 1. Flags or insignia of any nation, state, city, religious, fraternal or civic organization which are not allowed to deteriorate or fall into ill repair.
 - 2. Merchandise and pictures or models placed in a window for display.
 - 3. Works of art which do not identify a product or service.
 - 4. Advertising used on athletic fields for sponsorships or in connection with storekeeping.
 - 5. Painting and maintenance of signs, provided this provision shall not be construed to limit the right of the Township to order such maintenance as may be required.
 - 6. Signs placed inside a structure except for window signs as defined above.
- D. Signs which are not specifically permitted, denied, regulated or exempted by this Ordinance shall be subject to classification by the Township Board of Supervisors and regulated accordingly. Interpretations as to the meaning of any provision of this section shall also be rendered by the Board of Supervisors.

411.4 General sign standards

- A. A vehicle which is not regularly and customarily used to transport persons or property for a business shall not be parked or used so as to convey a message in conjunction with any business or enterprise.
- B. Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the District where the sign is located.
- C. No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- D. No light shall be permitted, in connection with a sign, that by reason of intensity, color, location, movement or directions of its beam may interfere with public safety or the enjoyment of neighboring residential premises. Moreover, except for time and transportation indicators, signs shall be illuminated only by a steady, stationary light source directed solely at the sign or integral to it.
- E. No sign or advertising material or merchandise displayed for such purpose shall be attached to any tree, pole, public structure or other object not intended for such use.

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- F. No sign attached to a building shall project out from the building facade more than twenty-four (24) inches.
- G. No sign shall exceed in height one-half its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.
- H. All non-conforming portable, flashing, or public safety-interfering signs and all signs advertising a non-existent business or product shall be removed within six (6) months. Any non-conforming sign connected with a change of business shall be immediately removed. Likewise any sign abandoned for sign purposes for more than forty-five (45) days shall be immediately removed and any sign damaged to the extent of one-third or more of the sign area, shall be immediately removed.
- I. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- J. In the event a sign is not repaired or removed within thirty (30) days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the Zoning Officer shall institute appropriate legal action to end the violation, abate the nuisance and assess the costs associated therewith to the violator.
- K. Temporary signs and event advertising banners shall be limited per property as provided on the Schedule of Sign Regulations, shall be placed no sooner than forty-five (45) days prior to the event and shall be removed within (15) days of completion of the event. The Board of Supervisors may also, by resolution, establish requirements for financial guarantees to ensure removal. Property owners may use temporary signs where permitted and in such numbers as permitted. Such signs shall be limited to advertising of on-premises activities, regularly replaced and continue at all times to be in good condition. Temporary signs shall not be used to replace a permanent sign, however, or continue to present a substantially similar message. See Section 411.6 for standards regarding political signs.
- L. Canopy and awning signs shall be permitted subject to maximum surface area and other requirements applicable to wall signs.
- M. Marquee signs shall be treated in the same manner as other free-standing or wall signs, as the case may be.

411.5 Preferred sign standards

Signs which meet the criteria below relative to the appropriateness and compatibility of design, shape, materials, colors, illumination, legibility, location and size shall be known as preferred signs and the Township Zoning Officer, after giving the Township Planning Commission and Board of Supervisors an opportunity to comment and make recommendations may approve, approve with conditions, or disapprove such signs using conditional use procedures.

- A. Signs should be a subordinate part of the landscape viewed from the road;
- B. Signs within a given area should exhibit visual continuity, complementing each other rather than competing for attention;
- C. Multiple signs should be combined into one to avoid clutter;
- D. Signs should be as close to the ground as possible and pole signs shall not be allowed;
- E. A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building. It should be sized and located in proportion to the building to preserve a human perspective.
- F. Sign materials and design should be compatible with the surrounding natural landscape and garish colors and materials should be avoided.

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- G. The sign should be located so as to not interfere in any way with the seventy-five (75) feet clear-sight triangles required for public safety by highway travelers or pedestrians.
- H. The sign must not be an overhead danger or obstacle to persons below.
- I. The size of the sign should be the minimum which will achieve ready visibility without becoming an unnecessary distraction from the highway view or detriment to the highway scenery.
- J. The sign should never block the view of any other signs or substantially interfere with the views to and from other enterprises or residences.
- K. The sign should be of good construction quality that is easy to maintain in safe condition and good appearance.
- L. Free-standing signs approved hereunder shall generally require landscaping around the base of the sign. The size of the landscape area shall be approved as part of the sign permit. Landscape plans shall be submitted and shall include the size, species, location and spacing of plant materials, method of separating the planter from the adjacent area and the irrigation plan for maintaining the landscape materials.
- O. Business and property owners submitting Conditional Use applications for principal uses shall provide Master Signage Plans for their properties. Master Signage Plans shall specify the location, dimensions, type, design and number of all signs to be erected on the property upon approval or in the future. Such plans shall be prepared by a landscape architect, architect, sign designer, engineer or other qualified professional and be adopted by the property owners. Owners shall agree that all signs to be constructed by them or any of their tenants or occupants, upon Conditional Use application approval or in the future, shall comply with the standards set forth in their Plans. A Master Signage Plan may also be submitted for multiple properties provided they are contiguous and may be required by the Township in those instances where multiple commercial uses are proposed on a single property. Signs included in Master Signage Plans shall be considered pre-approved and require no further permits.

411.6 Repealed

411.7 Billboards

One (1) billboard per property shall be permitted provided the sign faces Route 6 or Route 209 and is located no closer than one-thousand (1,000) feet to any other billboard or five-hundred (500) feet to any residence, place of worship, public school, or Township, Borough, County, State or Federal park or recreation area. Billboards shall not exceed three-hundred (300) sq. ft. or thirty (30) feet in height and shall be no closer than one-hundred (100) feet to any side nor more than seventy-five (75) foot setback from the front lot line.

411.8 Electronic Message Signs

Electronic Message Signs may be permitted by the Code Enforcement Officer following review of the permit application by the Township Board of Supervisors. Such signs shall comply with the following additional standards and shall not qualify as preferred signs hereunder:

- A. Electronic Message Signs shall be on-premise signs permitted in DD Development Districts only. Only one Electronic Message Sign shall be allowed on any single tract of land.
- B. Electronic Message Signs shall be contained within a frame made of solid material of a solid color extending out from the message screen a minimum of six (6) inches on all sides, but at no time shall the screen consist of more than seventy-five (75) percent of the total sign area.
- C. Electronic Message Signs shall not flash and motion shall be limited to the transition from one message to another.
- D. Electronic Message Signs shall be equipped with light sensors capable of measuring ambient light

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levels and dimming devices that shall lower the brightness of the sign based on the measured ambient light to minimize the brightness level required to make the sign visible. The dimming device shall minimize the illumination used to the lowest level necessary to make the sign conspicuous and visible during both daytime and night time hours. At no time shall the brightness level of any Electronic Message Sign constitute glare.

- E. Electronic Message Signs shall only display graphics for commercial, industrial, institutional, service or entertainment purposes, products, uses or services conducted, sold or offered upon the same premises or messages from the Township, County or local emergency management agencies for public safety or emergency purposes or a public service or congratulatory message.
- F. No Electronic Message Sign may be located within two-hundred (200) feet of any other Electronic Message Sign or within fifty (50) feet of any other illuminated sign within the property where the Electronic Message Sign is located.
- G. The screen for any Electronic Message Sign shall not exceed thirty (30) square feet in area (display area shall be limited to fifty [50] percent of this area) on any one side and not be excessively bright so as to distract driver views of other objects.
- H. Transitions for Electronic Message Signs shall take no longer than two (2) seconds to occur.
- I. All such signs shall include landscaping as provided herein.
- J. Electronic Message Signs shall only be permitted along roads controlled by PennDOT, and must comply with all applicable PennDOT regulations.
- K. Electronic Message Signs may not exceed fifteen (15) feet in height and shall be monument or freestanding signs.
- L. Electronic Message Signs shall be approved only through the consolidation of existing or otherwise legally permitted signs, with one existing or otherwise legally permitted sign being removed, replaced or substituted for each message display on the Electronic Message Sign.
- M. No electronic message sign shall be designed or operated in such fashion as to appear to be an official highway sign or light or cause confusion with respect to official signage or lighting.

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MILFORD TOWNSHIP SCHEDULE OF SIGN REGULATIONS						
	Prohibited Signs	Signs Allowed Without Permits	Signs Allowed with Standard Permits from Zoning Officer (see note below)	Maximum Sign Surface Area for All Signs Permitted		Preferred Signs
				Freestanding	Wall Signs	
LG - LOW GROWTH DISTRICT AND RD - RESIDENTIAL DISTRICTS	Roof signs Signs extending above the top or the end of exterior walls by any means including canopies Freestanding signs over 10 feet in height from grade level Portable signs other than sandwich board signs as permitted Signs extending over public rights-of-way except for permitted temporary signs Signs resembling traffic signals or official traffic signs Signs not related to a permitted use on the same property except for permitted directional signs Signs not specifically allowed or permitted in this district Flashing, oscillating and neon signs and signs with spotlights directed away from the sign Revolving or moving signs except for barber poles.	Two (2) non-illuminated real estate signs of twelve (12) sq. ft. per front lot line Trespassing signs of two (2) sq. ft. per front lot line Traffic directional signs of two (2) sq. ft. Two (2) contractors' signs of twelve (12) sq. ft. per property Two (2) farm products or yard sale signs of twelve (12) sq. ft. One (1) portable sandwich board sign of twelve (12) sq. ft. per side (unless part of a Master Signage Plan per § 411.5.0 in which case more signs may be allowed)	One (1) home occupation sign of four (4) sq. ft. One (1) residential development sign of twenty (20) sq. ft. plus one (1) building number sign of one (1) sq. ft. One (1) freestanding sign and one (1) wall sign per property of twenty (20) square feet each identifying a business or institution Two (2) off-premises advertising signs of twenty (20) sq. ft. each Two temporary or event advertising signs of twenty-four (24) sq. ft. maximum (both sides combined) restricted to forty-five (45) days per event with a maximum of four (4) events per year Wall signs subject to maximum surface area requirement (see "Wall Signs" column). Free-standing signs permitted above are similarly limited (see "Freestanding" column).	One (1) sq. ft. per five (5) feet of lot frontage or fifty (50) sq. ft. total for both sides combined for all signs, whichever is less. Corner lots shall only use the longest border to determine signage allowed.	Ten percent (10%) of the building facade area or fifty (50) sq. ft., whichever is less	Preferred signs subjected to review and recommendation by the Planning Commission and reviewed under § 411.5 may be permitted by the Milford Township Zoning Officer without regard to limits on size or number provided the total surface area for all signs, other than those allowed without permits, does not exceed one-hundred (100) sq. ft. total, and such signs replace otherwise permitted signs and are not in addition to them.
	Roof signs Signs extending above the top or the end of exterior walls by any means including canopies Freestanding signs over 20 feet in height from grade level or more than twelve (12) feet above the grade level of the road crown Portable signs other than sandwich board signs as permitted Signs extending over public rights-of-way except for permitted temporary signs Signs resembling traffic signals or official traffic signs Signs not related to a permitted use on the same property except for permitted directional signs Signs not specifically allowed or permitted in this district Flashing and oscillating signs and signs with spotlights directed away from the sign Revolving or moving signs except for barber poles. Re-use or re-messaging of an existing non-conforming sign by a new enterprise (not including simple changes in ownership where the name and specific nature of the business remain the same).	Two (2) non-illuminated real estate signs of twelve (12) sq. ft. per front lot line Trespassing signs of two (2) sq. ft. per front lot line Traffic directional signs of two (2) sq. ft. Two (2) contractors' signs of twelve (12) sq. ft. per property Two (2) farm products or yard sale signs of twelve (12) sq. ft. One (1) portable sandwich board sign of twelve (12) sq. ft. per side (unless part of a Master Signage Plan per § 411.5.0 in which case more signs may be allowed) Incidental commercial signs of one (1) sq. ft. Replacement banners erected under Master Signage Plan	One (1) home occupation sign of four (4) sq. ft. One (1) residential development sign of twenty (20) sq. ft. plus one (1) building number sign of one (1) sq. ft. One (1) freestanding sign and one (1) wall sign per property of fifty (50) square feet each identifying a business or institution Wall signs subject to maximum surface area requirement (see "Wall Signs" column) Free-standing signs permitted herein are similarly limited (see "Freestanding" column) One commercial directory sign of twenty (20) sq. ft. per side plus individual business signs of ten (10) sq. ft. Not to exceed eight (8) feet high and replaces other freestanding signs but not wall signs. Two (2) off-premises advertising signs of fifty (50) sq. ft. each if the enterprise is not already listed as part of a commercial directory on Route 6 and/or Route 209, and provided the signs are limited to placement on Routes 6 and/or 209. Two temporary or event advertising signs of twenty-four (24) sq. ft. maximum (both sides combined) restricted to forty-five (45) days per event with a maximum of four (4) events per year Billboards (see § 411.7)	One (1) sq. ft. per two (2) feet of lot frontage or one-hundred (100) sq. ft. for both sides combined for all signs, whichever is less, and provided no individual sign face exceeds fifty (50) sq. ft. in sign area. Corner lots shall only use the longest border to determine signage allowed. These limits shall not apply to billboards.	Ten percent (10%) of the building facade area or fifty (50) sq. ft., whichever is less, provided that multiple business locations on a single property with a commercial directory shall be limited to twenty (20) sq. ft. each	Preferred signs subjected to review and recommendation by the Planning Commission and reviewed under § 411.5 may be permitted by the Milford Township Zoning Officer without regard to limits on size or number provided the total surface area for all signs, other than those allowed without permits, does not exceed two-hundred (200) sq. ft. total and such signs replace otherwise permitted signs and are not in addition to them. Neon or brightly painted strips or building borders which are used to highlight or extend a sign shall not be counted in the sign surface area but shall be subject to conditional use review.

NOTE: Signs allowed with standard permits from the Zoning Officer are permitted in substitution of preferred signs, not in addition to them. Likewise, either off-premises or on-premises signs are permitted, not both, on the same parcel.

NOTE: Signs allowed with standard permits from the Zoning Officer are permitted in substitution of preferred signs, not in addition to them. Likewise, either off-premises or on-premises signs are permitted, not both, on the same parcel.

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412 Floodplain Development Standards

There is hereby created a Special Zoning District, the boundaries of which shall be congruent with those areas identified as Special Flood Hazard Areas (Zones A and AE) in the Flood Insurance Study and Flood Insurance Rate Maps as issued and/or amended by the Federal Insurance Administration, or its successor agencies, and currently dated October 6, 2000 for Milford Township (Community 422642).

413 Stables and Kennels

413.1 Stables, Private

Private stables are permitted in any District subject to the following conditions:

- A. A minimum parcel of two (2) acres shall be required for the residence and stable.
- B. No more than two (2) horses shall be kept except that one additional horse may be kept for each additional one-half (0.5) acre of land.
- C. One-hundred (100) square feet of stable building area shall be provided for each horse kept on the property where there is no existing natural or other shelter.
- D. No stable building shall be located within thirty-five (35) feet of any adjoining property line and all manure storage areas shall be a minimum of seventy (70) feet from any adjoining property line.
- E. All horses shall be restricted from grazing or intruding upon any adjoining property.

413.2 Reserved

413.3 Kennels

Kennels are considered a conditional use in any LG District subject to Section 608 and all applicable standards of this Ordinance and the following standards:

- A. A minimum parcel of three (3) acres shall be required.
- B. No structure used for the keeping of dogs shall be located closer than one-hundred twenty-five (125) feet to any property line or one hundred (100) feet to any public or private road.
- C. Parking shall be provided in accord with the requirements of Section 408 hereof.
- D. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

413.4 Keeping of Other Animals

The keeping of animals such as cows, steers, goats, sheep, swine, and other similar domesticated animals shall be permitted as an accessory use to a single-family residence in any district in accord with the following criteria:

- A. A minimum parcel of two (2) acres shall be required.
- B. The keeping of any such animal on a parcel of less than five (5) acres in any District except the CD District shall be considered a conditional use and the Township may, in addition to the setbacks required in this Section 413, require additional setbacks and/or buffers in accord with Section 608 of this Ordinance and guidelines as may be promulgated by the PennState Cooperative Extension Service.

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- C. All animals shall be restricted from grazing or intruding upon any adjoining property.
- D. No swine shall, in any case or manner, be kept less than two-hundred (200) feet from any adjoining property line and one-hundred fifty (150) feet from any public or private road.
- E. Nothing in the Milford Township Zoning Ordinance shall be construed to supersede Pennsylvania law regarding rights to farm.

413.5 Wild Animals

No person shall keep any wild or dangerous animal within the Township. A wild and dangerous animal is one that is not normally considered to be a domestic animal (a species normally needing people to provide it with food, shelter or other care) or is capable of inflicting severe bodily harm to humans due to its undomesticated nature, including but not limited to the following species:

A. Class mammalia.

1. African buffaloes, elephants, rhinoceroses, hippopotamuses and similar species
2. Canines such as wolves, coyotes, dingoes, foxes and jackals, except domesticated dogs
3. Hyenas, including all species except aardwolves
4. Badgers, wolverines and similar species
5. Bears and similar species
6. Lions, jaguars, leopards, tigers, cheetahs, leopards, cougars and other undomesticated felines.
7. Gibbons, orangutans, chimpanzees, gorillas, baboons, macaques and similar species

B. Class reptilia.

1. Gavials, crocodiles, alligators and similar species
2. Cobras, coral snakes, sea snakes,adders, vipers, pit vipers and all venomous rear-fanged species of snakes.
3. Constricting snakes over eight feet in length including boa constrictors, anacondas, pythons and similar species.
4. Gila monsters, beaded lizards and similar species.
5. Komodo dragons and similar species.

- C. Any other animal that by its size, vicious nature or other characteristic is dangerous to human beings or that that because of its odors, sounds or other characteristics is not compatible with residential living.

413.6 Nuisances

Nothing herein shall be construed to allow the continuance of any nuisance or threat to health, safety and welfare that might be created by keeping of animals regardless of conformity with these regulations. Such nuisances, as defined by the Second Class Township Code, are hereby prohibited and nothing herein shall limit the right of the Township under said Code to eliminate such nuisances or the right of adjoining property owners to pursue civil remedies.

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414 Lot Coverage in Development Districts

The intent of this Section 414 is to provide for the flexibility of design of drainage facilities serving non-residential uses in the DD District thereby allowing larger lot coverage percentages.

414.1 Conditional Use

Applications proposing an increase in lot coverage above that provided for the DD District in the Schedule of Development Standards shall be considered conditional uses subject to the standards in this Section 414, in addition to all other applicable standards. Based upon the particular site characteristics, the Township shall also attach any other reasonable conditions necessary to accomplish the stormwater and erosion control required by this Section 414.

414.2 Stormwater and Soil Erosion Control

The stormwater control plan and soil erosion control plan required by Section 407, Subsection 11 of this Ordinance shall be based on a storm frequency of twenty-five (25) years and the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed.

414.3 Methods of Control

Detailed site and soil characteristics, and design specifications of all proposed control facilities necessary for engineering review by the Township shall be submitted with the stormwater and soil erosion control plans.

Stormwater shall be controlled by on-site detention or infiltration methods designed to meet the particular characteristics of the subject site; and, shall be based on accepted and proven engineering design and practice including but not limited to the following:

- A. Detention basins. Detention basins may be utilized to meet a portion or all detention storage requirements. All design elements shall be provided as part of the application including floor and outlet specifications.
- B. Rooftop storage. Detention storage requirements may be met either in total or in part by detention on flat roofs. Design specifications of such detention shall be a part of the application. These specifications shall include the depth and volume of storage, design of outlet devices and down drains, elevations of overflow scuppers, design loadings for the roof structure, and emergency overflow provisions and all other necessary specifications. Rooftop storage shall not be permitted to drain directly into sanitary sewers or streets.
- C. Parking lot storage. Parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces not to exceed twenty-five (25) percent. Outlets shall be designed to empty the stored waters slowly, and depths of storage must be limited so as to prevent damage to parked vehicles. Storage areas shall be posted with warning signs and shall be designed to fill to maximum depth in not less than two (2) hours.
- D. Underground storage. All or a portion of the detention storage may also be provided in underground detention facilities and all design specifications shall be included with the application.
- E. Pervious parking surfaces. The use of parking areas with surface materials that are pervious to stormwater, such as concrete lattice blocks, is encouraged. The accepted porosity coefficient of said material shall be used in the calculation of the post-development, peak rate of stormwater discharged pursuant to Section 414.2 above.
- F. Retention basins. Basins designed to retain stormwater on the project parcel and provide for infiltration following the storm event may be considered as an infiltration method to the extent of the percentage of the design storm which is retained in said basin and ultimately infiltrates on site.
- G. Seepage pits and seepage trenches. All design elements shall be provided regarding the

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assimilative capacity of the infiltration structure (which is the sum of storage plus infiltration in cubic feet); the porosity of the gravel or rock to be used; and the infiltration rate of the soil.

- H. Cisterns and other storage facilities. These structures may be used in conjunction with detention and infiltration facilities and all design specifications shall be provided. All such facilities shall be designed to divert overflows to appropriate areas of discharge.

414.4 Permitted Lot Coverage

Lot coverage for non-residential projects in DD Districts that comply with this Section 414 may be increased as follows, provided the accompanying minimum yards are maintained along all property lines:

<u>Lot Area</u>	<u>Permitted Lot Coverage</u>	<u>Minimum Yards</u>
0-5 acres	65%	30 feet
5-10 acres	65%	40 feet
10-20 acres	65%	75 feet
20-50 acres	65%	100 feet
50+ acres	50%	150 feet

The Township Board of Supervisors may reduce the front yard to maintain continuity of building lines with existing structures, provided a minimum of thirty (30) feet is maintained. See, also, Section 417.13. The lot coverage set forth above may be increased to 75% upon good cause shown to the Board of Supervisors and the Supervisors' approval after a public hearing.

415 Communication Structures.

415.1 Special Definitions.

Antenna - A device of forty-five (45) or more feet in height used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single pole known as whips. This definition is not meant to include home television or amateur radio apparatus.

Telecommunications Facility - Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Township from regulating.

Telecommunications Equipment Building - The building in which the electronic receiving and relay equipment for a telecommunications facility is housed.

Tower - A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

415.2 Design and location standards. The following design and location standards shall apply to all telecommunications facilities:

- A. The location of the tower and equipment building shall comply with all natural resource protection standards of this ordinance.
- B. An evergreen screen consisting of a row of evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence. The Township may, however, modify or waive screening requirements if the site is entirely or partially wooded so as to provide existing screening.
- C. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
- D. The tower and antenna shall be designed and constructed to all applicable standards of the American National Standards Institute, TAI/EIA-222-F manual, as amended, and withstand wind gusts of up to

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100 miles per hour.

- E. A soil report prepared by a Professional Engineer shall be submitted to the Township to support the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
- F. An antenna may not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- G. Telecommunications facilities shall be permitted as a sole use on any lot in a LG Low Growth or DD Development District subject to Conditional Use procedures and the following:
1. Minimum lot size. Five (5) acres
 2. Minimum yard setback requirements. Tower height plus twenty-five (25) feet
 3. Maximum height. Tower - Two-hundred-fifty (250) feet
Equipment building - Thirty (30) feet
- H. A telecommunications facility shall be permitted on a property with an existing use subject to the following conditions:
1. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 2. Minimum lot area. The five (5) acre minimum lot area required above shall apply to the area designated for tower use and land remaining for accommodation of the principal use on the lot shall also comply with the minimum lot area for the district.
 3. Minimum setbacks. The two-hundred (200) feet minimum yard required above shall apply to the area designated for tower use and the land remaining for accommodation of the principal use on the lot shall also comply with the minimum yards for the district.
 4. Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 5. Maximum height: Tower - Two-hundred (200) feet
Equipment building - Thirty (30) feet
- I. Where an antenna for a telecommunications facility is to be attached to an existing structure or building it shall be subject to the following conditions:
1. Maximum height. Fifty (50) feet above the existing building or structure.
 2. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the minimum setback requirements for the subject zoning district, an eight (8) foot high security fence shall surround the building, a buffer yard shall be planted as required above and vehicular access to the building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 3. Elevations of existing and proposed structures showing width, depth, and height, use statistical data on the antenna and support structure shall be presented.
 4. The antenna shall be camouflaged or otherwise designed to be aesthetically compatible with the existing architectural and natural environment.
- J. Reserved.
- 415.3 Plan Review Criteria. Communications facilities shall be subject to all the ordinary review criteria applicable to Conditional Uses, the Land Development procedures and standards under the Township's Subdivision and Land Development Ordinance plus the following:

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- A. The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.
- B. The applicant shall present documentation that the tower is designed in accordance with the standards of this Ordinance for communications towers.
- C. The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.
- D. The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.
- E. The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers.
- F. Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- G. Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
- H. All communications structures shall be lighted for safety, if required, in a manner consistent with industry best practices and additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
- I. All property owners and adjacent municipalities within one-thousand (1,000) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail at least three (3) weeks prior to the Planning Commission making a recommendation on an application for Conditional Use approval for such a structure. Wherever a proposed tower will be visible to homeowners, however, this distance shall be increased to fifteen (1,500) feet. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their final application.
- J. Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- K. An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities and co-location shall be mandatory wherever physically feasible. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including proof of contacts, building investigations and similar evidence. Should such efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities, including provision of the necessary tower height to accommodate such other users without adding additional height in the future. Where co-location is proposed, the different companies using the facility shall also work from common maintenance and service buildings, if the same are located on the site.
- L. The Township may, to reduce the impacts of the tower intrusion on a residential landscape, require either greater setbacks and/or lower tower height in cases where proposed towers would be located

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adjacent to Residential Districts.

- M. The Township may require an applicant to provide accessibility to its facilities for emergency purposes by community organizations responsible for emergency communications.
- N. The Township may consider any other factor relative to public health, safety and welfare in reviewing an application and may impose conditions with respect to screening, noise generation, traffic, lighting or any other criteria contained herein as they apply to conditional uses or generally.

416 Independent Retirement or Nursing Homes

416.1 Definition

Independent Retirement or Nursing Home - Any premises containing sleeping rooms, with or without kitchens, or living units used by persons who are lodged and furnished with optional meals, health care or other supportive services connected with the activities of daily living; including nursing homes, assisted and independent living projects, rest homes, adult boarding homes and other similar uses primarily intended for the elderly or infirm; and not including group homes, hospitals, clinics or alcohol and drug rehabilitation facilities.

416.2 Special Standards

Independent Retirement and Nursing Homes shall be permitted in LG and DD districts. The minimum size parcel required for the development of these land uses shall be two (2) acres or three-thousand (3,000) square feet for each residential accommodation or living unit within the establishment, whichever is greater. However, elevator-served projects restricted to occupancy by persons of fifty-five (55) years or more in age and less than 80% of the median household income of the County shall only be required to provide two-thousand (2,000) square feet of land area per unit. Site plans for such projects shall be submitted to the Township for review, pursuant to the Township Subdivision and Land Development Ordinance and prior to issuance of building permits, for purposes of ensuring the project provides adequate landscaping, storm drainage, sewer and water facilities, parking and buffering of adjoining properties. Such projects shall also meet the following development standards:

Minimum Lot Width	200 feet
Minimum Front Yard	50 feet
Minimum Rear Yard	50 feet
Minimum Side Yard	30 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	LG District - 65% DD District - 75%
Maximum Building Coverage	LG District - 50% DD District - 65%
Parking Spaces Required	1 space per unit

417 Commercial/Industrial Site Design Guidelines

The Township Planning Commission and Board of Supervisors, in reviewing the site plan for any proposed commercial or industrial conditional use application, shall consider its conformity to the Milford Township Comprehensive Plan and the various other plans, regulations and ordinances of the Township. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Board of Supervisors shall further consider the following specific factors:

- 417.1 **Building design and location.** Building design and location should be suitable for the use intended and compatible with natural and man-made surroundings. New buildings, for example, should generally be placed along the edges and not in the middle of open fields. They should also be sited so as to not protrude above treetops or the crestlines of hills seen from public places and busy highways. Building color, materials and design should be adapted to surroundings as opposed to adaptation of the site to the building or the building to an arbitrary national franchise concept.

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417.2 [Repealed]

417.3 Large commercial buildings. Commercial facades of more than one-hundred (100) feet in length should incorporate recesses and projections, such as windows, awnings and arcades, along 20% of the facade length. Variations in roof lines should be added to reduce the massive scale of these structures and add interest. All facades of such a building that are visible from adjoining streets or properties should exhibit features comparable in character to the front so as to better integrate with the community. Where such facades face adjacent residential uses, earthen berms planted with evergreen trees should be provided. Loading docks and accessory facilities should be incorporated in the building design and screened with materials comparable in quality to the principal structure. Sidewalks should be provided along the full length of any facade with a customer entrance and integrated into a system of internal landscape defined pedestrian walkways breaking up all parking areas.

417.4 Lighting and signage. Improvements made to the property should not detract from the character of the neighborhood by producing excessive lighting or unnecessary sign proliferation. Recessed lighting and landscaped ground signs are preferred.

417.5 Parking and accessory buildings. Parking areas should be placed in the rear whenever possible and provide for connections with adjoining lots. Accessory buildings should also be located in the rear with access from rear alleys. If placement in the rear is not possible, parking lots should be located to the side with screening from the street.

417.6 Drainage systems. Storm drainage, flooding and erosion and sedimentation controls should be employed to prevent injury to persons, water damage to property and siltation to streams and other water bodies.

417.7 Landscape preservation. Trees, shrubs and other landscaping should be used to buffer or soften a use in terms of visual or other impacts on adjoining property owners. Impacts on other Township residents and visitors, on whom the local economy often depends, should also be considered. Existing landscape features such as stone walls, hedgerows, tree borders and individual large trees should be retained for this purpose and removal should be limited to the area of building or driveway construction unless additional sight-distance is required.

417.8 Driveway and road construction. Whenever feasible, existing roads onto or across properties should be retained and reused instead of building new, so as to maximize the use of present features such as stone walls and tree borders and avoid unnecessary destruction of landscape and tree canopy. Developers building new driveways or roads through wooded areas should reduce removal of tree canopy by restricting clearing and pavement width to the minimum required for safely accommodating anticipated traffic flows.

417.9 Construction on slopes. The crossing of steep slopes with roads and driveways should be minimized and building which does take place on slopes should be multi-storied with entrances at different levels as opposed to regrading the site flat.

417.10 Tree borders. New driveways onto principal thoroughfares should be minimized for both traffic safety and aesthetic purposes and interior access drives that preserve tree borders along highways should be used as an alternative. Developers who preserve tree borders should be permitted to recover density on the interior of their property through use of clustering.

417.11 Development at intersections. Building sites at prominent intersections of new developments should be reserved for equally prominent buildings or features which will appropriately terminate the street vistas. All street corners should be defined with buildings, trees or sidewalks.

417.12 Streets and sidewalks. Roads and drives that connect to existing streets on both ends are generally preferable to cul-de-sac and dead-end streets and shall ordinarily be used unless traffic safety issues will be mitigated by the use of a cul-de-sac or dead-end street. Streets within more densely developed residential areas (two or more units per acre) should be accompanied by on-street parking and a sidewalk on at least one side of the street. Sidewalks should also be provided in connection with new commercial development adjacent to residential areas and pedestrian access should be encouraged.

417.13 Setbacks. New buildings on a street should conform to the dominant setback line and be aligned parallel to

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the street so as to create a defined edge to the public space. Where commercial or industrial uses of substantial size (not a Minor Impact Use) adjoin residential properties or districts, the Township may require greater setbacks and landscaped buffered areas than otherwise required herein for purposes of transitioning from one use to the other and protecting the integrity of residential uses.

- 417.14 **Utilities.** The impact of the proposed use on the capacities of existing sewer and water utilities shall be thoroughly evaluated in terms of both quality and quantity. Where the impact of the proposed new use would substantially consume existing capacities and leave inadequate reserve capacity to deal with seasonal or other needs or pose a threat to the health and safety of any existing water supply, the Township may require the applicant to mitigate the impacts by providing supplementary capacities or taking alternative measures to provide for these needs. The Township may also require the applicant to post performance guarantees in the manner provided in the Township Subdivision and Land Development Ordinance to ensure that the proper protection mechanisms are in place and will be maintained in the future. Where mitigation is not possible the use shall be denied.

418 **Housekeeping Cottages and Lodging Facilities**

Housekeeping cottages and lodging facilities, where permitted, shall not be occupied for more than eleven (11) months per calendar year by any one household, individual or party, excepting that units may be reserved or rented for longer periods for use by a succession of unrelated households, individuals or parties who each occupy the unit for less than eleven (11) months.

419 **Reserved**

420 **Adult Stores**

Adult stores shall be considered conditional uses in the DD District and shall only be permitted in accord with the following standards and all other applicable standards in this Ordinance. The intent of this section is to minimize the adverse, secondary impacts of such establishments on the community.

420.1 **Parcel Size**

A minimum parcel size of four (4) acres shall be required.

420.2 **Buffer Area**

No structure housing an adult store or any sign identifying same, shall be located less than one thousand (1000) feet from any residential, public or semi-public property, building or use; or less than five hundred (500) feet from any property line or public road right-of-way.

420.3 **Advertising**

No exterior display or interior display which is visible from the exterior of the store, or any other advertising material, except an approved sign shall be permitted.

421 **Natural Resources Uses**

- 421.1 **Vibrations.** Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.

- 421.2 **Emissions.** The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling, staining, irritation, or damage to persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.

- 421.3 **Fencing.** The applicant shall submit to the Township for approval by the Board of Supervisors a fencing plan which shall provide for the protection of the public health safety and general welfare by restricting public access from areas of steep slopes, ponds, and/or other hazards. The Township shall determine the type and extent of fencing required as part of the conditional use process. However, in no case shall any fence be less

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than six (6) feet in height and all required fencing shall be of such design to restrict access. In all cases, fencing shall be required wherever the natural resource use abuts a public road right-of-way.

421.4 Setbacks/Buffer. The setbacks and buffers in this Section shall be considered the minimum requirements. The Township shall require larger setbacks, buffers or fencing in cases where the size of the operation, the topography, vegetation, or other physical features of the site, uses on adjoining properties or other public concerns dictate same.

- A. Property Lines** - No part, except the required fence, of any natural resource use operation shall be less than one-hundred fifty (150) feet from any adjoining property line.
- B. Street** - No part, except the required fence, of any natural resource use operation shall be less than one-hundred (100) feet from the right-of-way line of a public street or highway. Where both sides of the right-of-way are within a natural resource use operation in single ownership, the required street setback may be reduced to fifty (50) feet on each side of the right-of-way. However, in no case shall an open excavation be closer than one-hundred (100) feet to any public road right-of-way.

421.5 General Provisions

- A.** In no case shall any use impede the flow of natural watercourses.
- B.** All uses of land or processes which pollute natural watercourses shall be prohibited.

422 Buffer For Waterbodies

422.1 Plans

All waterbodies and streams shall be accurately shown on any plan submitted with any application for zoning approval.

422.2 Waterbodies

For the purposes of protecting water quality a buffer zone/building setback of not less than fifty (50) feet shall be maintained from the high water mark of any body of water or from the normal high water mark on each side of any stream. No buildings, structures (except uncovered docks), roads, parking areas, sewage disposal systems or other earth disturbances or impervious surfaces shall be constructed or placed within this buffer zone, except for approved stream crossings and accessory structures less than one-hundred forty-four (144) square feet in area. In residential subdivisions this strip shall be protected via a protective easement. Additional setbacks and buffers may be required by the Township as deemed necessary by the Township to meet the intent of this Ordinance and to otherwise protect the public health safety and welfare. In cases where Township Flood Plain Regulations require larger buffers, such regulations shall control.

423 Wind Energy Facilities

423.1 The following standards shall apply to wind energy facilities, which shall be permitted in any LG Low Growth or DD Development District as a Conditional Use. Small wind turbines shall be permitted in all districts.

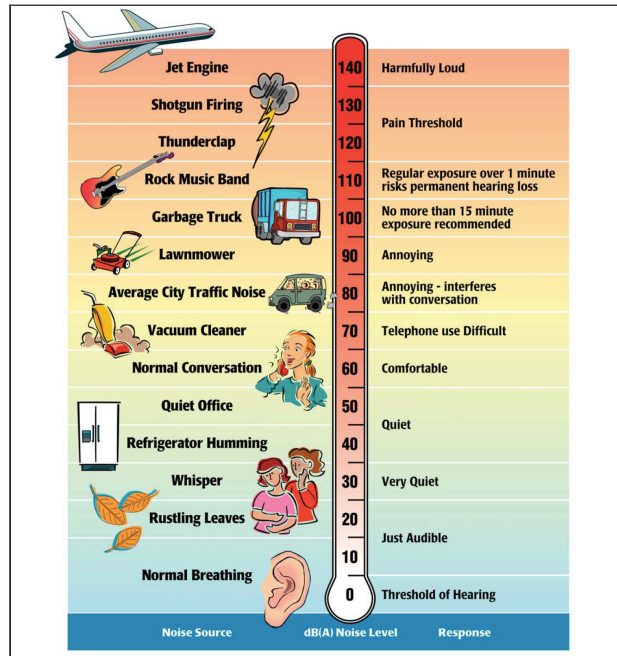
- A.** All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.
- B.** No television, radio or other communication antennas may be affixed or otherwise made part of any wind turbine, except with approval by the Township Board of Supervisors. Applications may be jointly submitted for wind turbine and telecommunications facilities.
- C.** No advertising signs are allowed on any part of the wind energy facility, including fencing and support structures.
- D.** No tower shall be lit except to comply with Federal Aviation Administration (FAA) requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the wind energy facility development plan.

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- E. All applicants shall use measures to reduce the visual impact of wind turbines to the extent possible. Wind turbines shall use tubular towers without guy wires. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Wind turbines within a multiple wind turbine project shall be generally uniform in size geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
- F. No wind turbine shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other communication systems would produce electromagnetic interference with signal transmission or reception. If it is determined a wind turbine is causing electromagnetic interference, the operator shall take necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of issues with the affected parties. Failure to remedy electromagnetic interference is grounds for revocation of the Wind Energy Facility Permit for the specific wind turbine or wind turbines causing the interference.
- G. No shadow flicker shall be permitted to extend beyond the property line.
- H. Wind energy facilities shall be gated or fenced to prevent unrestricted public access to the facilities and reduce any attractive nuisance aspects of the use.

- I. The statistical sound pressure level generated by a wind turbine shall not exceed L10 - 30 dBA (equivalent to a whisper - see table) measured at the property line and nearest residence. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Independent verification by an acoustical engineer certified with the Institute of Noise Control Engineering shall be provided before and after construction demonstrating compliance with this requirement.

Should the ambient noise level (exclusive of the development in question) exceed this standard, the applicable standard shall ambient dBA plus 5 dBA to a maximum of L10 - 50 dBA. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than six (6) minutes per hour. Ambient noise levels shall be measured at the property line and nearest residence. Ambient noise level measurements shall be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation.



SOURCE: Melville C. Branch and R. Dale Deland, *Outdoor Noise in the Metropolitan Environment*, 1970. Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety* (EPA/ONAC 550/9-74-004), March 1974.

An applicant may, with approval of the Board of Supervisors, meet noise and setback standards by obtaining written consents from affected property owners stating they are aware of the wind energy facility and the noise and/or setback limitations imposed by this law, and that consent is granted to allow noise levels to exceed the maximum limits provided herein or reduce setbacks to less than required. Such consents shall be in the form required for easements and be recorded in the County Recorder of Deeds Office describing the benefited and burdened properties. No such easement shall permit noise levels at any other location within or outside the areas prescribed to exceed the limitations of this law.

- J. No climbing pegs or tower ladders shall be located closer than 15 feet to the ground level at the base

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of the structure for freestanding single pole or guyed towers.

- K. The minimum distance between the ground and any part of the rotor or blade system shall be 30 feet.
- L. Wind turbines shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.
- M. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a wind turbine. A public improvement bond may be required prior to the issuance of any building permit in an amount, determined by the Township Board of Supervisors, sufficient to compensate the Township for any damage to Township roads if any of these roads will be among the designated traffic routes.
- N. Each wind turbine shall be set back a distance of 500 feet from any property line. No wind turbine shall be located within its own total height of a site boundary line. The maximum height from the ground to the tip of the extended wind blade shall not exceed 200 feet,
- O. Warning signs shall be posted at the entrances to the wind energy facility and at base of each tower warning of electrical shock or high voltage and containing emergency contact information.
- P. The Township Board of Supervisors shall require a financial guarantee to ensure the removal of all wind energy facilities other than small wind turbines within two (2) years of any discontinuance of use.
- Q. The Township Board of Supervisors may approve, approve with conditions, or disapprove small wind turbine applications designed for residential, farm, institutional and business use on the same parcel. Such applications shall be processed in the same manner as those prescribed above for all wind energy facilities, but standards may be appropriately modified by the Board of Supervisors to reflect the scale of the proposed facility. All small wind turbines shall comply with the following standards and, to the maximum extent practicable, with all other requirements of this ordinance not in conflict herewith:
 - 1. A system shall be located on a lot a minimum of one acre in size; however, this requirement can be met by multiple owners submitting a joint application.
 - 2. Only one small wind turbine per legal lot shall be allowed, unless there are multiple applicants, in which case their joint lots shall be treated as one site for purposes of this law.
 - 3. Small wind turbine shall be used primarily to reduce the on-site consumption of electricity.
 - 4. Total heights (measured as provided in §§N above) shall be a maximum of 100 feet on parcels between one and five acres and 150 feet or less on parcels of five or more acres.
 - 5. The maximum turbine power output is limited to 100 kW.
 - 6. Tower-climbing apparatus shall be located no closer than 15 feet from the ground, a locked anti-climb device shall be installed on the tower or a locked, protective fence of at least six feet in height that encloses the tower shall be installed to restrict tower access.
 - 7. All small wind turbines shall be setback a distance no less than their height plus twenty-five (25) feet from any lot line or seventy-five (75) feet, whichever is greater and sited to minimize visual impacts on adjoining properties.

424 Flea Markets, Produce Stands, Tent Sales and Yard Sales

424.1 Yard Sales

- A. Individual private family yard sales are a permitted use in all zoning districts and shall be subject to the following specific regulations and requirements:

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1. Each individual property location may have a maximum of three (3) yard sales during any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.
2. All items shall be placed and offered for sale within the confines of the property described in the permit.
3. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited.

B. Multi-family yard sales shall be permitted in all districts subject to the following standards:

1. No residential property shall be the site of more than one (1) multi-family yard sale during any one (1) calendar year. Each sale shall be limited to a maximum of three (3) consecutive days and other wise comply with the requirements of sub-section A above.
2. A multi-family yard sale shall require a permit from the Township, the application for which shall be made at least fourteen (14) days in advance of the proposed sale. The application shall identify the participating households and include a sketch plan indicating the location of the proposed sales area, any proposed signs and off-street parking.
3. Off-street parking in the amount of one space per participating household shall be provided for any multi-family yard sale, provided such parking may consist of designated grass parking areas as well as driveway and garage space. The Township Code Enforcement Officer may require modifications of such sketch plan to address traffic safety and parking issues.
4. Households participating in multi-family yard sales shall be limited to a maximum of two (2) other individual yard sales per calendar year as provided above.

424.2 Flea Markets and Tent Sales

Property owners within LG and DD Districts may conduct flea markets and tent sales from lots on which is located at permanent place of business provided no more than three (3) such sales shall be conducted per calendar year and each sale is limited to ten (10) days in length. A permanent place of business is hereby defined as one from which a business operates throughout the year from inside an enclosed structure. A flea market is hereby defined for these purposes as an occasional or periodic market held in an open area or structure where individual sellers or groups of sellers offer goods for sale to the public on a commercial basis. The enterprise shall not be conducted within required yards, on public rights-of-way or without otherwise complying with the requirements of this Ordinance pertaining to parking, lighting or signage. Permits shall be required for this purpose and shall be issued by the Zoning Officer.

424.3 Food and Produce Stands

Temporary food and produce stands used to sell garden or farm produce (not including flower tents or similar enterprises) or dispense other food items shall be permitted within LG and DD Districts provided these activities only take place between April 1 and October 31 and are limited to 200 square feet or less in display area. No permanent structures shall be permitted in connection with such uses. The enterprise shall also not be conducted within required yards, on public rights-of-way or without otherwise complying with the requirements of this Ordinance pertaining to parking, lighting or signage. Permits shall be required for this purpose and shall be issued by the Zoning Officer.

425 Christmas Tree, Flower, Decoration, Fireworks and Other Temporary or Seasonal Sales

Christmas tree, flower, decoration, fireworks and other temporary or seasonal sales not otherwise connected with an existing or proposed new year-round business taking place inside an enclosed permanent structure shall require a permit from the Township Zoning Officer and co-application by the property owner. No sales shall be permitted within required yard areas or within the right of way of the highway. Such sales shall be limited to one event for a total of 30 days per year on any one property and be subject to normally applicable requirements pertaining to signage, parking,

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access and other safety aspects of the operation. All sales, except for Christmas trees, shall take place inside a permanent structure. A financial deposit of no less than \$200 shall be required to ensure removal of all signs upon completion of sales. A valid sales tax license shall be prominently displayed and a copy filed with the application for such sales. The Township may deny applications by applicants who previously failed to comply with Township or permit requirements. No fireworks sales shall be located within two-hundred feet of any residence, day care center, church, school or similar place of public assembly.

426 Reserved

427 Reserved

428 Outdoor Recreation and Facilities

All outdoor recreation areas and facilities including golf courses, miniature golf courses, golf driving ranges, public pools, public tennis courts, outdoor shooting ranges, outdoor archery ranges and other similar outdoor recreational facilities and uses are considered conditional uses in certain districts and, in addition to all other applicable standards, shall be subject to the following specific regulations and requirements:

428.1 Golf Courses

- A. All golf courses shall be kept in a neat and well maintained condition.
- B. Ownership and maintenance responsibilities shall be outlined and stated on the plan and a guarantee and certification of such maintenance responsibilities shall be submitted with the zoning permit application.
- C. A fifty (50) foot buffer strip shall be required along all property lines.
- D. All walkways and paths shall have at least an all weather surface.
- F. Existing trees and vegetation shall be preserved whenever possible.
- G. Buffering may be required to protect adjacent uses from stray balls.

428.2 Miniature Golf Courses

- A. No commercial miniature golf course shall be situated within one-hundred (100) feet of any property line abutting an existing residence or within one-hundred (100) feet of any RD District.
- B. Fencing shall be provided to protect adjacent uses from stray balls.

428.3 Golf Driving Ranges

- A. No golf driving range shall be situated within two-hundred (200) feet of any property line or within one-hundred (100) feet of any road or street right-of-way line.
- B. Fencing shall be provided to protect adjacent uses from stray balls.

428.4 Swimming Pools (Public)

- A. Security fencing of such design to restrict access, at least six (6) feet in height shall be provided along all boundaries of the swimming pool area.
- B. No public swimming pool shall be situated within one-hundred (100) feet of any property line or road or street right-of-way line. When a public swimming pool is abutted on a side or rear property line by an existing residence within one-hundred (100) feet of the property line or by a RD or LG District buffers may be required in accord with Section 407.

428.5 Outdoor Shooting Ranges

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Commercial and public outdoor shooting ranges shall be considered conditional uses in the LG District only and all applicable standards and the following standards shall apply.

- A. All outdoor shooting ranges shall be situated a minimum of three-hundred (300) feet from any property line or public road right-of-way.
- B. All outdoor shooting ranges shall be designed and constructed with sufficient safety facilities to prevent wild or ricocheting bullets.
- C. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion into the shooting area.
- D. All shooting shall be confined to the hours of 8:00 a.m. and 7:00 p.m. , but in no case after sunset.

428.6 Outdoor Archery Ranges

Commercial and public outdoor archery ranges shall be considered conditional uses in the LG District only and all applicable standards and the following standards shall apply.

- A. All archery ranges shall be situated a minimum of fifty (50) feet from all property lines and public roads rights-of-way.
- B. All archery ranges shall be designed and constructed to protect the public from wild or stray arrows.
- C. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion into the archery area.

429 Reserved

430 Earth Disturbance and Clearcutting Permit

430.1 Intent

The intent of this Section is to regulate earth disturbance activities in order to assure compliance with Section 421, Buffers For Waterbodies and Wetlands, of this Ordinance, and to protect soil resources and water quality.

430.2 Permit

- A. Except in cases where zoning or subdivision and land development approval has been otherwise granted, any activity that will result in the initial or cumulative earth disturbance or clear cut timber harvest of more than one-half acre of land area for purposes of land development shall require a zoning permit and/or other applicable approvals for such land development prior to any earth disturbance or clear-cutting. This provision, however, shall not be construed to limit the rights of any landowner to clear land for purposes of continued lawn use, farm, forestry or wildlife management over an extended period of time where no other land development is proposed.
- B. Reserved.

430.3 Plan

The Applicant shall include with the application for a zoning permit a plan setting forth the details of the earth disturbance or clearcutting activity in accord with Section 602.2 of this Ordinance; and including any additional information deemed necessary by the Township.

430.4 Soil Erosion and Sedimentation and Stormwater Control

Any earth disturbance or clearcutting activity shall comply with Section 407.14 of this Ordinance and no earth disturbance or clearcutting shall be permitted within fifty (50) feet of any waterbody or stream.

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430.5 Revegetation/Reforestation

The plan shall include provisions for the revegetation and/or reforestation of any disturbed or clearcut areas.

430.6 Exemption

The provisions of this Section 430 shall not apply to the following:

- A. Agricultural Operations Exclusion - Any land disturbance associated with agricultural activities operated in accordance with a Conservation Plan or a Soil Erosion and Sedimentation Control Plan approved by the County Conservation District is exempt from the Earth Disturbance Permit requirement of this Section of the Ordinance.**
- B. Forest Management Operations Exclusion - Any land disturbance with any forest management operations which is following the PA DEP's management practices contained in DEP Publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under a Conservation Plan and Forest Management Plan is exempt from the Earth Disturbance Permit requirements of this Section of this Ordinance.**

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ARTICLE V - NON-CONFORMING USES AND STRUCTURES

It is the purpose of this section to limit the injurious impact of non-conforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest of the general purpose of this zoning ordinance, and when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to alter, continue or extend a non-conforming use. The following are regulations which shall apply to the alteration, continuation or extension of nonconforming uses:

501 Definition

A non-conforming use or building shall be a building, structure, or use legally existing at the effective date of this Ordinance, or any amendment thereto; or a building structure or use, planned and under construction in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one-year period after the effective date of this Ordinance or Amendment thereto; and which does not conform with the use regulations of the district in which located. A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance shall also be considered a non-conforming use.

502 Normal Maintenance and Repair Activities

Normal maintenance and repair activities, such as painting, replacing a roof, etc., are permitted, as well as alterations and interior renovations that do not structurally alter the building or area or result in increased use of the building or area, or a different nature of use than that existing at the present time, or otherwise create more incompatibility with the surrounding permitted uses.

503 Changes and Additions

All changes and additions to non-conforming uses and structures, excepting those identified in Section 502 above, shall be considered conditional uses, and permits for alterations, changes in use or additions shall be granted only after a determination by the Township that the following conditions have been, or will be, satisfied.

503.1 Storage of Materials

There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a nonconforming use, excepting those types of uses outlined in Section 502.

503.2 Screening

Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (e.g. sawmill, equipment dealer, etc.), the use may only be expanded if a landscaped buffer meeting the requirements of Section 410 can be established.

503.3 Yards and Setbacks

No addition, change or expansion of a non-conforming use or structure shall further violate setback and/or height regulations of the district in which it is located.

503.4 Stormwater

There shall be no increase in the amount of storm water runoff from the site over what was existing as of the date of the enactment of this Ordinance. The U.S.D.A. Soil Conservation Service may be relied on to recommend appropriate measures to control storm water runoff which may be attached as conditions of approval by the Township.

503.5 Parking and Traffic

In no case will a change, addition, or expansion of a non-conforming use or structure be allowed that would

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result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than twenty-five (25) percent over those available as of the date of this Ordinance, the Township may require vegetative screening of the parking area from nearby residential areas.

503.6 Extension Onto Other Properties

The non-conforming use or structure may only be expanded or extended onto another property of record, if that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto; the owner has clearly exhausted the alternatives available for expansion on the existing property.

503.7 Prohibited Expansions

Should the non-conforming use or structure proposed for expansion or extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Board of Supervisors with the advice of the Planning Commission to be one similar to such a use or of such nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested expansion or extension shall be denied.

504 Establishment

A non-conforming use or structure may be re-established within a period of eighteen (18) months after it has been discontinued or vacated, with an extension in time allowable where proven necessary.

505 Restoration or Reconstruction

If less than seventy-five (75) percent of the floor area of any non-conforming structure or seventy-five (75) percent of any non-conforming use is damaged, it may be restored or reconstructed within eighteen (18) months of the date of the damage. The Township may also, by Conditional Use, allow such restoration or reconstruction in cases where these amounts are exceeded.

506 Non-Conforming Lots of Record

506.1 A single family dwelling and customary accessory structures may be erected on a non-conforming lot of record provided:

- A. A sewage permit meeting the requirements of the Pennsylvania Department of Environmental Resources can be properly issued.
- B. Setbacks for side and rear yards shall be maintained as near as possible to the required District setbacks; but, in no case shall said setbacks be less than fifty (50) percent of the setback normally required in the District.
- C. No front yards shall be reduced to less than twenty-five (25) feet.
- D. Buffers set forth in Section 422 shall be maintained.
- E. No unattached accessory building shall be located closer to any property line than the height of the accessory building but in no case less than the setbacks required by Subsections B and C above.

506.2 In cases where two or more contiguous lots must be combined to meet the setbacks and buffers required in Subsection 506.1 above, or where the on-site sewage system is not wholly contained on the lot with the dwelling; said non-conforming lots shall be combined by "lot improvement" pursuant to the Township Subdivision and Land Development Ordinance.

507 Certification of Non-Conformance

In order to administer this Ordinance, the Zoning Officer shall prepare a complete list of all non-conforming uses, signs,

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buildings, and lots in existence as of the effective date of this Ordinance or amendments thereto. The Zoning Officer shall also issue, upon request, a Certificate of Non-Conformance to any property owner who so requests.

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ARTICLE VI - ADMINISTRATION

601 Authority

601.1 Zoning Officer

It shall be the duty of a Zoning Officer, to be appointed by the Township Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require.

601.2 Conditional Uses

Permits for construction or uses which are conditional uses shall be issued only upon written order of the Township Supervisors subsequent to the recommendation of the Planning Commission. Permits for construction and uses that necessitate variances from the requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

602 Permits

602.1 Requirements of Permits

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure.

602.2 Applications for Permits

All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information deemed necessary by the Township to determine compliance with this Ordinance and all other pertinent ordinances. Applications for variances and conditional uses shall include the tax map number of the project parcel and a list of property owners, and the mailing address of each, located within two hundred (200) feet of the project parcel; and, the applicant shall mail notice of any required meeting to such neighboring property owners and provide proof of service of same at the public hearing. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

602.3 Subdivision Approval

Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to Section 605 of this Ordinance.

602.4 Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations.

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602.5 Temporary Permit

A temporary permit may be issued by the Board of Supervisors for any non-conforming structure or use which it deems necessary to provide for the needs of the community, provided such structure or use is completely removed prior to expiration of the permit and the area is restored to its original condition. All such permits shall be of specified limited duration to be set forth by the Board of Supervisors in granting the permit. This shall not, however, prevent any party from reapplying on a regular basis for permits for recurring activities, provided such uses are neither permanent nor continuing in nature.

603 Fees

As authorized by Section 617.2(e) and Section 908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance.

Permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

604 Inspection

604.1 Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer to make the following minimum number of inspections on property for which a permit has been issued:

- A. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
- B. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to the issuance of a Certificate of Use. Nothing contained in this Ordinance shall impose or imply any responsibility upon the Township or its officials or agents for the quality of workmanship or materials employed in construction.

605 Certificate of Use

605.1 Definition

A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

605.2 Required

No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.

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605.3 New Structures and Alterations

A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.

605.4 Change In Use

A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.

605.5 Non-Conforming Uses

A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.

605.6 Records

A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

606 Violations

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by Section 616.1 of the Pennsylvania Municipalities Planning Code and such violation shall be discontinued or corrected as set forth in said notice.

607 Penalties and Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$1,000 plus all court costs, including reasonable attorney 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 the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the 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 fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the

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Township, the right to commence any action for enforcement pursuant to this section.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

608 Conditional Uses

608.1 Procedure

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 608.3; and as required by the Pennsylvania Municipalities Planning Code.

Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Planning Commission. The Planning Commission shall review the application within thirty (30) days following its next regular meeting, and may hold a public hearing pursuant to public notice to receive comment on the proposed use.

The Planning Commission shall report its findings, together with a recommendation indicating whether the criteria listed above and any applicable performance standards have been satisfied. Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall conduct a public hearing pursuant to public notice and shall grant or deny the application. If the application is granted, the Board of Supervisors shall attach such reasonable conditions and safeguards as the Board deems necessary to protect the public health, safety and welfare and implement the purposes of this Ordinance; and shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified within five (5) days of the action in person or by certified mail; such notice including reasons for denial.

608.2 Reserved

608.3 Expansions and Additions to Conditional Uses

Any expansion of or addition to a use or structure classified as a "Conditional Use" shall also be considered a Conditional Use unless the expansion or addition shall qualify as an Accessory Use or still meet the Minor Impact Use definition when considered together with previous property improvements.

608.4 Standards and Criteria

The standards and criteria applied to conditional uses are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of Milford Township. In addition to all the applicable standards provided in this Ordinance for specific conditional uses, the following standards and criteria shall be applied in the review of applications for conditional uses.

- A. There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed use of a similar nature in the area and an objective to provide or maintain a proper mix of uses within the Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area. The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

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- B. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- C. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- D. In reviewing an application, the following additional factors shall be considered:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of stormwater and drainage facilities. Stormwater leaving any site shall not exceed predevelopment levels and shall otherwise comply with Sections 407.13 and 414.2 of this Ordinance and Sections 605 and 606 of the Milford Township Subdivision and Land Development Ordinance.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties affected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, hours of operation, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be

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609 approved with appropriate conditions or denied based on said evaluation.
Zoning Hearing Board

609.1 Jurisdiction

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 (Curative Amendments) and 916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
- E. Reserved.
- F. Appeals from the Zoning Officer's determination under Section 916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

In all its actions, the Zoning Hearing Board shall follow procedures as provided in the Pennsylvania Municipalities Planning Code.

609.2 Zoning Hearing Board Applications

Application to the Zoning Hearing Board shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the application is being requested and the

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reasons why it should be granted.

- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- G. Any other information the applicant deems appropriate.

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.

609.3 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

- A. That 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 the Zoning Ordinance in the neighborhood or district in which the property is located;
- B. That 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 that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance that would, in fact, afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI and the Zoning Ordinance.

This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute a rezoning.

610 Appeals to Court and other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

611 Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.

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612 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.