This Ordinance is amended by Ordinance No.'s 78, 79, 84, 89 located in the back of this booklet.
1997

LOWER MILFORD TOWNSHIP
ZONING ORDINANCE

ORDINANCE NUMBER 75
ORDINANCE NO. 75

An Ordinance

Amending an Ordinance entitled "To limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and the nature of and the extent of their use, and the nature and extent of the uses of land, in Lower Milford Township, Lehigh County, Pennsylvania, hereinafter referred to as the Township, and providing for the administration and enforcement of the provisions therein contained and fixing penalties for the violation thereof" approved by the Board of Supervisors, July 27, 1967.
ZONING ORDINANCE
OF 1967

LOWER MILFORD TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ADOPTED JULY 27, 1967

BOARD OF SUPERVISORS

Charles Wilde
Chairman

Edward Derse     Ted Benson

PLANNING AND ZONING COMMISSION

Charles R. Haas
Chairman

Homer Fegely     Leslie Howatt
Thomas Dismuke   Alan Unangst

AMENDED JANUARY 16, 1973

BOARD OF SUPERVISORS

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Chairman

Leslie Howatt     Samuel Leh

PLANNING AND ZONING COMMISSION

Charles R. Haas
Chairman

Robert Gehman     J. Wesley Eltonhead
Ray Hausman       Leonard Serfass
John Lapidakis    Alan Unangst
AMENDED OCTOBER 9, 1986

BOARD OF SUPERVISORS

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Joan B. Dreibelbis Terry Miller

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Chairman
Neill J. Dekker George H. Baker
Joan B. Dreibelbis Lois Gadek
Robert R. Gehman Michael W. Snovitch

ZONING HEARING BOARD

Thomas D. Dismuke
Chairman
J. Howard Shelly Arland Schantz
AMENDED ZONING ORDINANCE
OF 1997
LOWER MILFORD TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

Adopted June 16, 1997

BOARD OF SUPERVISORS
Ted Benson
Chairman
Joan Dreibelbis Terry Miller

PLANNING COMMISSION
Michael W. Snovitch
Lois Gadek Leslie Howatt
Dale Hower Linda Fetzer
Joan Dreibelbis Robert Gehman

ZONING HEARING BOARD
Thomas D. Dismuke
Chairman
J. Howard Shelly Arland Schantz
INTRODUCTION

The Lower Milford Zoning Ordinance is a legal document which places restrictions on the use and development of land in the Township for the purpose of achieving an orderly land use pattern and for the protection of the public health, safety, morals, and general welfare. The Ordinance divides the Township into districts having different regulations relating to the use of buildings and land, the height of buildings, setbacks from the road, area of lots, parking and loading requirements, and sign regulations.

This Ordinance has been developed by a committee which includes members of the Township Planning Commission, Zoning Hearing Board, and Township Supervisors, after an intensive study of the existing development patterns and the future potential of the township. Documentation of these studies is contained in the Comprehensive Plan Supplement for Lower Milford Township-1984. Technical assistance for the Comprehensive Plan Supplement and a Township Survey conducted in 1996 was provided by the Lehigh Valley Planning Commission.

The regulations in this Ordinance are not retroactive. They apply only to new development or changes proposed to developments approved prior to the enactment of this amending Ordinance. Existing businesses and industry can continue to operate and ownership can be transferred regardless of the Zoning District in which they are located.

It is recognized that the Zoning Ordinance cannot satisfy the needs and individual interests of every citizen in the township. This is not its intent. The Zoning Ordinance is designed for the public welfare based upon a set of facts, objectives, and analysis described in the Comprehensive Plan Supplement. As the Township grows and as circumstances change, certain of these facts and analysis may require reconsideration. The Ordinance can be amended in the future to reflect such changes.
# Lower Milford Township

## ZONING ORDINANCE

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ZONING ORDINANCE

TOWNSHIP OF LOWER MILFORD
Lehigh County, Pennsylvania

SECTION 100
TITLE AND PURPOSE

110 TITLE

"An ordinance to limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and the nature of and the extent of their use, and the nature and extent of the uses of land, in the Township of Lower Milford, Lehigh County, Pennsylvania, hereinafter referred to as the Township, and providing for the administration and enforcement of the provisions therein contained and fixing penalties for the violations thereof."

120 SHORT TITLE

This ordinance shall be known and may be cited as "The Lower Milford Township Zoning Ordinance."

130 DECLARATION OF PURPOSE

This zoning ordinance is adopted for the purpose of promoting the public health, safety, morals and the general welfare of the community, and to further the following related and more specific objectives:

131 To guide and regulate the orderly growth, development and redevelopment of the Township, in accordance with the statement of goals and objectives contained on pages 14-18 of the report, Lower Milford Township Comprehensive Plan Supplement of 1984;

132 To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate;

133 To secure safety from fire, panic and other dangers, and to provide adequate light, air and convenience of access;

134 To prevent overcrowding of land or buildings, and to avoid undue concentration of population;
To lessen and, where possible, to prevent traffic congestion on public streets and highways;

To conserve the value of buildings and to enhance the value of land throughout the Township.

SEVERABILITY

If any portion or provision of this Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, that holding shall only affect that portion or provision of the ordinance. All other portions and provisions shall be held as valid and enforceable.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective upon the date of its adoption.

REPEALER

The Lower Milford Township Zoning Ordinance of 1967 and all previous amendments in so far as the 1967 Ordinance or any previous amendments are inconsistent with this 1997 Ordinance are hereby repealed. This Ordinance does not repeal provisions of other laws or Ordinances except those specifically or implicitly repealed by this Ordinance.
SECTION 200

APPLICATION OF REGULATIONS

210 UNIFORMITY OF APPLICATION

The regulations set forth by this Ordinance are to be considered the minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. The regulations shall apply uniformly to each class of uses and structure within each district except as otherwise provided in this Ordinance.

220 APPLICATION OF REGULATIONS

No structure or land shall be used or occupied and no structure or part thereof shall be erected, constructed, reconstructed, moved or altered after the effective date of this Ordinance except in conformity with the intent and regulations specified in this Ordinance for the district in which the structure, land, or part thereof is located. This provision shall not apply to nonconformities as provided in Section 650 or where a variance is warranted as provided for in Section 750.

221 No yard or lot existing at the effective date of this Ordinance shall be reduced in dimensions or area below the minimum applicable requirements specified in this Ordinance.

222 Yards or lots created on or after the effective date of this Ordinance shall meet or exceed the minimum applicable requirements specified in this Ordinance.

230 RELATION OF THIS ORDINANCE TO OTHER PROVISIONS OF LAW

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the public health, safety, morals and general welfare. Where this Ordinance imposes a greater restriction upon the use of buildings, structures, or requires larger lots, yards, courts, or other open spaces than imposed or required by other provisions of law, ordinance or regulation, the provisions of this Ordinance shall control. Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this Ordinance, the provisions of such other law or ordinance or regulation shall control.
SECTION 300
ZONING DISTRICT REGULATIONS

310 CLASSES OF DISTRICT

For the purposes of this Ordinance, the Township is divided into the following districts:

- AR Agricultural-Rural
- RR Rural Residential
- VC Village Center
- I Industrial
- General Flood Plain District (FA) which is an overlay to the above noted districts (see also Section 471)

320 DISTRICT BOUNDARIES

321 Zoning Map

The boundaries of each district or zone are established as shown on the Official Zoning Map of Lower Milford Township which together with any explanatory matter thereon is declared to be part of this Ordinance. The Official Zoning Map shall be signed by the Chairman of the Board of Supervisors and be attested to by the Township Secretary. The original Map shall be located and displayed in the office of the Designated Township Official. Any subsequent amendment to this Ordinance which involves matter portrayed on the Official Zoning Map (e.g. - an area changed from one class of zoning district to another) shall be promptly reflected on the Official Zoning Map. In addition, the subsequent amendment of this Ordinance shall not be required, and authorization is hereby provided, for the Official Zoning Map to be revised from time to time to reflect new roads, property lines, and features of a similar nature.

322 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, lost, or difficult to interpret because of the nature or number of necessary changes and additions due to development, new streets, etc., authorization is hereby provided for preparation of
a new Official Zoning Map which shall, when adopted by resolution, supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof which is the mandatory procedure for changing the class of zoning district of an area. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

323 Delineation of District Boundaries

The following rules shall apply as to the delineation of district boundaries.

323.1 Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, public utility rights-of-way, or streams, such center lines shall be construed to be such boundaries.

323.2 Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.

324 Interpretation of District Boundaries

In cases of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. Appeals of decisions by the Zoning Officer may be taken to the Zoning Hearing Board, as provided in Section 730 of this Ordinance.

330 AR - AGRICULTURAL-RURAL DISTRICT

331 Intent

The purposes of this district are to encourage the continued use of the area for agricultural activities without excluding low density single-family non-farm development. Although limited non-agriculturally related residential development is permitted, this district is not intended to serve as an area for widespread suburban development.

332 Permitted Uses

Only the following uses are permitted by right in this district:

332.1 One single-family detached dwelling or one two-family detached dwelling per lot.
332.2 Commercial greenhouses.

332.3 Roadside stands per Section 431.

332.4 Church or other place of worship, Sunday School, parish house.

332.5 Cemetery or mausoleum.

332.6 Municipal building, structure or facility owned and used by Lower Milford Township.

332.7 Crop farming.

332.8 Animal husbandry within barns, animal shelters, or other such lawful structures existing at the effective date of the 1967 Ordinance provided that such animal husbandry shall not include the raising or keeping of minks or garbage-fed pigs. The minimum parcel area shall be at least ten (10) acres.

332.9 Expansion of animal husbandry carried on within barns, animal shelters, or other such structures existing at the effective date of this Ordinance by:

(a) additions to such structures, or
(b) erection of new structures

provided that such additions or new structures shall be located at least one hundred fifty (150) feet from all lot lines, seventy-five (75) feet from all street lines, and five hundred (500) feet from all existing dwellings except that of the owner. Such expansion shall be located on a parcel of at least ten (10) acres. Such expansion may be on land not abutting the main farm and shall not include minks or garbage-fed pigs.

332.10 New animal husbandry in new barns, animal shelters, or other such structures provided that such new animal husbandry shall be located at least one hundred fifty (150) feet from all lot lines, seventy-five (75) feet from all street lines, and five hundred (500) feet from all existing dwellings except that of the owner. Such new animal husbandry shall be located on a parcel of at least ten (10) acres and shall not include minks or garbage-fed pigs.

332.11 Grazing and pasturing except of minks, garbage-fed pigs, or turkeys.

332.12 Farm livestock may be kept as pets or for domestic purposes on a parcel of at least three (3) acres and which meets the minimum yard requirements.
pursuant to the following requirements:

(a) one (1) large animal such as a horse, cow, or pig; four (4) medium sized animals such as sheep; or not more than twenty-five (25) poultry, fowl, rabbits, or other small animals (excluding minks) for the initial three (3) acres.

(b) an additional one (1) large animal per added 1-1/2 acres, and four (4) medium sized animals, or twenty-five (25) small animals (excluding mink) may be kept per each additional acre.

(c) animal shelter setbacks for livestock kept as pets or for domestic purposes on parcels less than ten (10) acres shall meet the following setbacks:

(1) for large and medium-sized animals: such shelters shall be three hundred (300) feet from any existing dwelling other than the owner's and seventy-five (75) feet from all street lines and one hundred (100) feet from all lot lines.

(2) for under forty (40) small animals: such shelters must be twenty (20) feet from all lot lines.

(3) for over forty (40) small animals: such shelters must be three hundred (300) feet from existing dwellings, except the owner's, and seventy-five (75) feet from all street lines and one hundred (100) feet from all lot lines.

333 Accessory Uses

These uses occur on the same lot as the permitted use and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Ordinance. Only the following accessory uses are permitted in this district.

333.1 Private garage or private parking area, pursuant to Section 430.

333.2 Other customary accessory structures and uses, pursuant to Section 411.

333.3 Signs, pursuant to Section 440.

333.4 Home occupation, pursuant to Section 450.

333.5 Non-commercial swimming pool, pursuant to Section 424.

300-7
Special Exception Uses

Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of Section 740. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Section 500 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purpose of this Zoning Ordinance and to protect the public health, safety, morals and the general welfare. Only the following special exception uses are permitted in this district:

334.1 Public or private academic schools approved by the Pennsylvania Department of Education, but not including correctional institutions.

334.2 Membership club or lodge for hunting, fishing, gunning, or other similar recreational purpose.

334.3 Heliport, private landing strip.

334.4 Extraction of natural resources.

334.5 Solid waste disposal facility in accordance with Ordinance #45 and/or recycling facility approved by the Pennsylvania Department of Environmental Resources. Minimum lot size ten (10) acres.

334.6 Commercial stable or riding academy.

334.7 Kennels and animal hospital.

334.8 Temporary shelter for family member(s).

334.9 Outdoor recreation areas.

334.10 Non-nuisance industry provided the requirements of Section 430 can be met, and minimum lot size shall be 10 acres.

334.11 Mobile Home Park pursuant to Ordinance #50.

334.12 Travel Trailer Camp pursuant to Ordinance #50.

334.13 Mobile Home Siting.

334.14 A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry.
334.15 Temporary structure or use, including buildings to provide temporary housing for farm laborers incident and necessary to the gathering of crops grown on the premises.

334.16 Fire/ambulance station.

335 **Lot Area, Width, Building Coverage and Height, and frontage on Approved Public Streets Requirements**

<table>
<thead>
<tr>
<th>Animal husbandry</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Building Coverage of Lot</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal husbandry</td>
<td>10 acres</td>
<td>400 ft.</td>
<td>20%</td>
<td>35 ft. (Silos and barns are exempted from this restriction)</td>
</tr>
<tr>
<td>Farm livestock as pets for domestic purposes: 1 large animal or 4 medium sized or 25 small animals</td>
<td>3 acres</td>
<td>250 ft.</td>
<td>10%</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Each additional large animal</td>
<td>1 1/2 acres</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>4 medium sized animals or 25 small animals</td>
<td>1 acre</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>One single-family detached dwelling</td>
<td>2 acres</td>
<td>200 ft.</td>
<td>20%</td>
<td>35 ft.</td>
</tr>
<tr>
<td>One 2-family detached dwelling</td>
<td>4 acres</td>
<td>280 ft.</td>
<td>20%</td>
<td>35 ft.</td>
</tr>
<tr>
<td>All other permitted uses</td>
<td>2 acres</td>
<td>250 ft.</td>
<td>20%</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Special exception uses unless otherwise indicated (excluding those specified at Sections 334.8, 334.13, and 334.15)</td>
<td>5 acres</td>
<td>300 ft.</td>
<td>20%</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>
Minimum Yard Requirements for Animal Shelters and Buildings

<table>
<thead>
<tr>
<th></th>
<th>Front Yard</th>
<th>Side Yards</th>
<th>Side Yard with Abutting Street</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal husbandry</td>
<td>75 ft.</td>
<td>150 ft.</td>
<td>75 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Farm livestock as pets or domestic purposes:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large and medium size animals</td>
<td>75 ft.</td>
<td>100 ft.</td>
<td>75 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Under 40 small animals</td>
<td>75 ft.</td>
<td>20 ft.</td>
<td>75 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Over 40 small animals</td>
<td>75 ft.</td>
<td>100 ft.</td>
<td>75 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>All other permitted uses</td>
<td>50 ft.</td>
<td>20 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Special exception uses unless otherwise indicated (excluding those specified at Sections 334.8, 334.12, and 334.15)</td>
<td>75 ft.</td>
<td>100 ft.</td>
<td>75 ft.</td>
<td>100 ft.</td>
</tr>
</tbody>
</table>

Land Development Plan Approval

The land development plan approval process, pursuant to the provisions of the Lower Milford Township Subdivision and Land Development Ordinance, is mandatory for Sections 332.4, 332.5, and 332.6 of permitted uses. Except for the uses specified at Sections 334.6, 334.7, 334.8, 334.13, and 334.15, all special exception uses specified for this district require prior land development plan approval.

RR - RURAL RESIDENTIAL DISTRICT

Intent

The purpose of this district is to permit the continued development of the area with uses compatible with the existing uses and resources.

Permitted Uses

Only the following uses are permitted by right in this district:

One single-family detached dwelling or one 2-family detached dwelling
per lot.

342.2 Crop farming.

342.3 Church or other place of worship, Sunday School, parish house.

342.4 Municipal building, structure, recreation area, or facility of Lower Milford Township.

342.5 Cemetery or mausoleum.

342.6 Farm livestock as pets or for domestic purposes in conformance with requirements set forth in Sections 332.13, 335, and 336.

343 Accessory Uses

These uses occur on the same lot as the permitted use and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Ordinance. Only the following accessory uses are permitted in this district.

343.1 Private garage or private parking area, pursuant to Section 430.

343.2 Other customary accessory structures and uses, pursuant to Section 411.

343.3 Signs, pursuant to Section 440.

343.4 Home occupations, pursuant to Section 450.

343.5 Non-commercial swimming pool, pursuant to Section 424.

344 Special Exception Uses

Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of Section 740. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Section 500 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of this Zoning Ordinance and to protect the public health, safety, morals, and the general welfare. Only the following special exception uses are permitted in this district.

300-11
Public or private academic schools approved by the Pennsylvania Department of Education, but not including correctional institutions.

Hospital or convalescent home.

Temporary dwelling for family member(s).

Mobile Home siting.

Group Homes.

A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry.

Temporary structure or use.

Fire/ambulance station.

### Lot Area, Width, Building Coverage and Height, and Frontage on Approved Public Streets Requirements

<table>
<thead>
<tr>
<th>Use Description</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Building Coverage of Lot</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>One 2-family detached dwelling</td>
<td>3 acres</td>
<td>250 ft.</td>
<td>20%</td>
<td>35 ft.</td>
</tr>
<tr>
<td>All other permitted uses (unless otherwise indicated)</td>
<td>1 1/2 acre</td>
<td>200 ft.</td>
<td>20%</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Special exception uses unless otherwise indicated (excluding those specified at Sections 344.3, 344.4, and 344.7)</td>
<td>3 acres</td>
<td>250 ft.</td>
<td>20%</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>

Any building lot of less than 20,000 sq. ft. which was created through a major subdivision plan recorded prior to the date of enactment of the 1967 Ordinance, shall be required to connect to either a public water supply system or public sewage disposal system.
Minimum Yard Requirements

<table>
<thead>
<tr>
<th></th>
<th>Front Yard</th>
<th>Side Yards</th>
<th>Side Yard with Abutting Street</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Permitted Uses (unless otherwise indicated)</td>
<td>50 ft.</td>
<td>20 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>All special exception uses (unless otherwise indicated)</td>
<td>50 ft.</td>
<td>20 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

Land Development Plan Approval

The land development plan approval process, pursuant to the provisions of the Lower Milford Township Subdivision and Land Development Ordinance, is mandatory for Sections 342.3, 342.4, and 342.5 of permitted uses. Except for the uses specified at Sections 344.3, 344.4, 344.6, and 344.7, all special exception uses specified for this district require prior land development plan approval.

VC - VILLAGE CENTER DISTRICT

Intent

The purpose of this district is to recognize the existing concentration of development in such areas and to encourage the further location of commercial uses and community facilities to serve the surrounding rural area.

Permitted Uses

Only the following uses are permitted by right in this district:

352.1 One single-family detached dwelling or one 2-family detached dwelling per lot.
352.2 Crop farming.
352.3 Church or other place of worship, Sunday School, parish house.
352.4 Municipal building, structure, recreation area or facility of Lower Milford Township.
352.5 Cemetery or mausoleum.
352.6 Retail store or shop.
352.7 Business or professional office, medical office.

352.8 Artist studio or design studio.

352.9 Bank or other financial institution.

352.10 Barber shop, beauty shop, self-service laundry or drycleaning establishment or pickup agency, tailor or dressmaking shop, or other personal service store or shop.

352.11 General servicing or repair shop, such as watch, clock, radio, TV or other home appliance repair.

352.12 Restaurant, cafe, tavern or other place serving food and beverage.

352.13 Hotel, motel, or boarding house.

352.14 Funeral home.

352.15 Wholesale or distributing establishment, lumber yard, warehouse or storage within completely enclosed building.

352.16 Business Center Development.

353 Accessory Uses

353.1 Private garage or private parking area, pursuant to Section 430.

353.2 Off-street parking area pursuant to the provisions of Section 430.

353.3 Signs, pursuant to the provisions of Section 440.

353.4 Home occupations, pursuant to the provisions of Section 450.

353.5 Non-commercial swimming pools, pursuant to Section 424.

353.6 Other customary accessory structures and uses, pursuant to Section 411.

354 Special Exception Uses

Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of Section 740. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Section 500 are met. The Zoning Hearing Board may attach any
reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of this Zoning Ordinance and to protect the public health, safety, morals, and the general welfare. Only the following special exception uses are permitted in this district.

354.1 Filling station.
354.2 Indoor or outdoor storage of automobiles for sale.
354.3 Car wash station, public garage.
354.4 Day Care Center for children.
354.5 Temporary dwelling for family members.
354.6 Hospitals for people.
354.7 Mobile Home sitting.
354.8 A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry.
354.9 Temporary structure or use.
354.10 Fire/ambulance station.

355 Lot Area, Width, Building Coverage and Height, and Frontage on Approved Public Streets Requirements

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Building Coverage of Lot</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel, motel, business center development</td>
<td>2 acres</td>
<td>200 ft.</td>
<td>30%</td>
</tr>
<tr>
<td>One 2-family detached dwelling</td>
<td>2 acres</td>
<td>200 ft.</td>
<td>30%</td>
</tr>
<tr>
<td>All other permitted uses</td>
<td>1 acre</td>
<td>150 ft.</td>
<td>30%</td>
</tr>
<tr>
<td>All special exception uses (unless otherwise indicated)</td>
<td>1 acre</td>
<td>150 ft.</td>
<td>30%</td>
</tr>
</tbody>
</table>

356 Minimum Yard Requirements

300-15
<table>
<thead>
<tr>
<th>Hotel, motel or business center development</th>
<th>Front Yard</th>
<th>Side Yards</th>
<th>Side yard with Abutting Street</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50 ft.</td>
<td>40 ft.</td>
<td>60 ft.</td>
<td>45 ft.</td>
</tr>
<tr>
<td>All other uses</td>
<td>50 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Special exception uses (unless otherwise indicated)</td>
<td>50 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

357 Land Development Plan Approval

Except for the uses specified at Sections 352.1 and 352.2, all permitted uses and special exception uses specified for this district require prior land development plan approval pursuant to the provisions of the Lower Milford Township Subdivision and Land Development Ordinance.

360 1 - INDUSTRIAL DISTRICT

361 Intent

This district has been created for the purpose of designating a place in the Township where industry and other similar type uses can locate.

362 Permitted Uses

Only the following uses are permitted by right in this district:

362.1 Crop farming.
362.2 Non-nuisance industry.
362.3 Offices, office building, research institute or laboratory.
362.4 Wholesale establishment, distribution station, storage building.
362.5 Printing plant.
362.6 Building materials sales and storage yard.
362.7 Grazing and pasturing, except of pigs and turkeys.

363 Accessory Uses

300-16
These uses occur on the same lot as the permitted use and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable regulations of this Ordinance. Only the following accessory uses are permitted in this district.

363.1 Private garage or private parking, pursuant to Section 430.
363.2 Customary accessory uses and structures, pursuant to Section 411.
363.3 Signs, pursuant to Section 440.

364 Special Exception Uses

364.1 Junkyard pursuant to Ordinance #10, or any amendment thereto, and any applicable state and federal regulations.

364.2 A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry.

364.3 Temporary structure or use.

365 Lot Area, Width, Building Coverage and height, and Frontage on Approved Public Streets Requirements

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Building Coverage</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All permitted Uses</td>
<td>2 acres</td>
<td>250 ft.</td>
<td>30%</td>
</tr>
<tr>
<td>All special exception uses (unless otherwise indicated)</td>
<td>2 acres</td>
<td>250 ft.</td>
<td>30%</td>
</tr>
</tbody>
</table>

366 Minimum Yard Requirements

<table>
<thead>
<tr>
<th>Front Yard</th>
<th>Side Yards</th>
<th>Side Yard with Abutting Street</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>All permitted Uses</td>
<td>50 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>All special exception uses (unless otherwise indicated)</td>
<td>50 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

367 Land Development Plan Approval

Except for the uses specified at Sections 362.1, 362.7, and 364.3, all permitted uses and special exception uses specified for this district require prior land development plan approval pursuant to the provisions of the Lower Milford Township Subdivision and Land Development Ordinance.
SECTION 400
SUPPLEMENTARY REGULATIONS

410 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES

411 Placement of Accessory Uses and Structures

The placement of a private garage, accessory parking area, or other accessory building or use, shall be subject to the following requirements:

411.1 No accessory building shall be constructed within less distance to the lot line than the minimum side yard requirement of the District.

411.2 Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear and side yard regulations of this Ordinance.

411.3 No private garage or other accessory building shall be within a required front yard or side yard in any District. In Village Center and Industrial Districts, unroofed parking areas are permissible in required front yards and in the portions of side yards not otherwise required for a planting screen, provided that the parking area is of sufficient size for vehicle storage and maneuvering and provided that ingress and egress points are clearly established for the safe channelization of traffic to and from the adjacent streets.

411.4 Accessory buildings and uses shall be on the same lot with the main building or buildings.

411.5 Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.

411.6 No required accessory parking or off-street truck loading space shall be encroached upon by buildings, open storage or any other use.

411.7 Accessory private garages may be constructed within or under any portion of a main building.

411.8 Special set back requirements that may be prescribed for certain accessory buildings in this Ordinance shall be followed.

412 Small Lots

With the exception of lots referred to in Section 345.1 and notwithstanding the Lot Area, Lot Width and Lot Coverage requirements of any District listed in Section 300, a dwelling, where it is a permitted or special exception use, may be erected on any lot with less than the required lot width or lot area of separately owned and not adjacent to any lot in the same ownership at the effective date of the 1967 Ordinance, provided that a variance has been obtained pursuant to Section 750.

413 Height
Nothing herein contained shall restrict the height of church spire, cupola, dome mast, belfry, clock tower, radio or transmission line, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smokestack, silo, or similar structure. No such structure shall be used for residence or tenancy purposes.

414 Yards

414.1 Front Yard. The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace or steps given access to a porch or first floor entry door.

414.2 All Yards. Every part of a required yard shall be open to the sky unobstructed by structures except for retaining walls, fences and privacy screens and for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, and for ornamental features projecting not to exceed six (6) inches.

414.3 Open or lattice enclosed fireproof fire escapes or stairways, required by law, projecting into a yard not more than four (4) feet, and the ordinary projections of chimneys and pilasters shall be permitted when placed so as not to obstruct light and ventilation.

415 Through Lots and Lot Access

415.1 Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

415.2 Every building hereafter erected or moved shall be on a lot abutting a public street. All structures shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
Corner Clearance:

On a corner lot, within the triangular area (shown in the figure) determined as provided in this Section, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) and ten (10) feet above the centerline grades of the intersecting streets in the area. Such triangular area shall be determined by 1) the intersecting street centerline, each of which points is one hundred (100) feet from the intersection of such street centerlines or 2) as may be required per PennDOT Publication 70, "Guidelines for Design of Local Roads and Streets," whichever controls.

Measurement of Lot Width for Lots Not Rectangularly Shaped

417.1 For cul-de-sacs, the width measurement made at the front lot line shall not be less than 40% of the lot width requirement.

417.2 On irregularly shaped lots and lots on street centerline curves of less than 300 foot radius, the width measurement made at the front lot line shall not be less than 80% of the lot width requirement provided that the lot width requirement is met at the minimum front setback line.

Lane Lots

A lane lot, as defined in these regulations, may be created through Township Planning Commission approval of a subdivision provided the following requirements are met:

418.1 The lane shall have a minimum width of twenty-five (25) feet for its entire length and shall not narrow to a lesser dimension. Said length shall not exceed five hundred (500) feet.

418.2 The area of the lane shall be excluded from the total area of the lane lot for purposes of determining minimum lot area.

418.3 The lane shall provide the access for and only serve that lane lot of which it is a part.

418.4 A lane lot may only be established for the purpose of single family dwelling unit use.

418.5 Lot area, lot width, and setback requirements for the zoning district within which the lane lot is located must be achieved within the main lot.
418.6 The main lot may be irregular in shape but shall encompass a rectangle with one dimension not less than the applicable minimum lot width requirement and the other not less than the length required for the rectangle area to meet the applicable minimum lot area requirement.

418.7 The front yard setback for a lane lot shall be a distance equal to the applicable front yard requirement and shall be measured from the point at the rear of the lane where the main lot first achieves the minimum lot width requirement.

419 Fence and Walls

419.1 Man-made fences and walls may be erected, altered and maintained within the yards, provided that any such fence or wall in the front yard shall not exceed four (4) feet in height, and any fence or wall in the side or rear yard may be six (6) feet or more in height; provided, that any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.

419.2 All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise in the Village Center District shall be enclosed by an eight foot solid wall, uniformly painted board fence, or live evergreen screen plantings, on all sides which face upon a street or face upon a lot in a more restricted zone.

REGULATIONS APPLYING TO CERTAIN USES AND DISTRICTS

420 Storage of Commercial Vehicles in the Rural Residential and Village Center Districts

421 The parking of one (1) commercial vehicle of 8,000 pounds or less is permitted up to thirty (30) days in a side or rear yard within the setback lines or in the front yard only on a surfaced driveway. Storage (more than 30 days) of commercial vehicles is prohibited.

422 Waiver of Yard and Lot Requirements for a Business Center Development

423 Parking, Storage, or Use of Major Recreational Equipment

400-21
Noncommercial Swimming Pool

A noncommercial swimming pool which is designed to contain a water depth of twenty-four (24) inches or more shall not be located, constructed or maintained on any lot or land area, except in conformity with the requirements of Ordinance No. 58, or any amendment thereto.

PARKING AND TRUCK LOADING REQUIREMENTS

Off-Street Parking

Off-Street parking spaces for the parking of automobiles shall be provided pursuant to the provisions of this Section.

The provisions of Section 431 shall not apply to any building, structure or use lawfully in existence at the effective date of the 1967 Ordinance, whether continued as a permitted or a nonconforming use.
431.2 Each parking space shall contain a minimum area of two hundred (200) square feet and shall be a minimum of ten (10) feet in width (unless angle parking is used). Areas of traffic movement such as parking lot aisles shall not be measured as part of a parking space.

431.3 Parking spaces associated with commercial or industrial uses shall be delineated through clearly marked or painted lines.

431.4 The minimum number of off-street parking spaces required shall be calculated on the basis of following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling units (single-family or two-family)</td>
<td>2/dwelling unit</td>
</tr>
<tr>
<td>Boarding house, tourist house</td>
<td>2/dwelling unit on premises plus 1/guest bedroom</td>
</tr>
<tr>
<td>Professional office, home occupation or home related business in a residential building</td>
<td>2/250 square feet net floor space (in addition to spaces required for principal residential use of dwelling)</td>
</tr>
<tr>
<td>Retail sales and service (not otherwise specified below)</td>
<td>4/1000 square feet of gross floor area</td>
</tr>
<tr>
<td>Supermarkets</td>
<td>8/1000 square feet of gross leasable area</td>
</tr>
<tr>
<td>Roadside stands</td>
<td>2 minimum, 1/200 square feet of gross stand area</td>
</tr>
<tr>
<td>Furniture stores</td>
<td>2/1000 square feet of gross leasable area</td>
</tr>
<tr>
<td>Automobile servicing and repair</td>
<td>3/service bay</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>5.5/1000 square feet of gross leasable office area</td>
</tr>
<tr>
<td>With offices that add more than 20% to gross leasable area</td>
<td>Add 3/1000 square feet of gross leasable office area</td>
</tr>
<tr>
<td>Industrial (not otherwise specified below)</td>
<td>0.8/employee for combined two largest overlapping shifts plus 1/visitor at peak visiting times; plus 1/company vehicle stored on the premises during the day</td>
</tr>
<tr>
<td>Warehouses, freight and trucking terminals, wholesale businesses; building contractors and building materials suppliers</td>
<td>1/vehicle used in conduct of business plus 1/employee</td>
</tr>
</tbody>
</table>
Building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry
2/facility plus 1/each employee normally in attendance at any time

Research institute or laboratory
1/two employees

Hotels, motels
1/rentable room plus 1/two employees

Restaurants - Sit-down
2/100 square feet of gross floor area

Carry-out
4/100 square feet of gross floor area

Auditoriums, theatres, and similar places 1/three seats of public assembly

Churches and other places of worship
1/five seats

Libraries, museums, post offices, civic centers and similar establishments
1/400 square feet of gross floor area

Schools - Senior high school
1/five students plus 1/staff member

Elementary and Junior school 1/staff

Hospitals, convalescent nursing homes, and group homes
1/three beds plus 1/two staff persons or employees on largest shift

Medical offices
7/doctor or dentist

Bowling lane
4/lane

Membership club
1/six persons of total capacity

Funeral home
1/100 square feet of gross floor area

Golf course
0.5/person of total capacity

431.5 Other Uses Not Specifically Listed. The same requirements as for the most similar use listed in Section 431.4.

431.6 Mixed Uses. Total requirements shall be the sum of the requirements of the component uses computed separately.

431.7 Fractional Space. In all Districts where the required parking area or number of parking spaces results in the requirement of a fractional space, any fraction under 1/2 may be disregarded, and any fraction over 1/2 shall be construed as requiring a full space.

400-24
432  **Required Off-Street Truck Loading Spaces**

432.1  Every building or structure, lot of land hereafter put into use for business or industrial purposes or for a hospital, and which has an aggregate floor area of 4,800 square feet or more in any Industrial District or 15,000 square feet or more in any other District where such uses are permitted, shall be provided with off-street truck loading spaces in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Square Feet of Aggregate Floor Area Devoted to Such Use</th>
<th>Required Number of Off-Street Truck Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,800 to 25,000 sq. ft. in any I District</td>
<td>1</td>
</tr>
<tr>
<td>15,000 to 25,000 sq. ft. in other Districts</td>
<td>1</td>
</tr>
<tr>
<td>25,001 to 40,000 sq. ft. in all Districts</td>
<td>2</td>
</tr>
<tr>
<td>40,001 to 100,000 sq. ft. in all Districts</td>
<td>3</td>
</tr>
<tr>
<td>Each additional 60,000 sq. ft. in all Districts</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

432.2  **Size of Individual Truck Loading Space.** An off-street truck loading space shall have a minimum width of twelve (12) feet, a minimum length of sixty (60) feet, and minimum clear height of fourteen (14) feet including its access from the street.

433  **Access Driveways**

433.1  All entrance or exit driveways for a public garage, public parking area, filling station, service station or car washing station shall have a minimum unobstructed width of ten (10) feet. Every combined entrance and exit access driveway shall have a minimum total unobstructed width of twenty (20) feet.

433.2  Erection of all access driveways shall require a permit from the Township if on a Township road and a Highway Occupancy Permit from the State if on a State Road. Driveway requirements and permit fees are to be met by Resolution of the Board of Supervisors.

434  **Non-Applicability to Existing Buildings and Uses**

The provisions of Sections 431.2 through 431.7 shall not apply to any building, structure or use lawfully in existence at the effective date of this Ordinance, whether continued as a permitted or a nonconforming use, or thereafter converted or changed without enlargement to a different permitted use.
This article recognizes that signs perform an important function by identifying residences and businesses and that minimum control of signs is necessary to promote the health, safety and general welfare by lessening hazards to pedestrian and vehicular traffic, by preserving property values, by preventing unsightly and detrimental development which has a blighting influence upon the residential, business and industrial uses, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned, and by securing certain fundamentals of designs for the Township.

**Sign Regulations**

**442.1 Professional or Announcement Sign**

A professional or announcement sign of a home occupation or home related business on a family dwelling shall be fixed flat on the main wall of such building, and shall not project more than six (6) inches. Maximum permitted size of such signs in all Districts shall be two (2) square feet.

**442.2 Name or Announcement Sign**

A name or announcement sign or signs, not over sixteen (16) square feet in area, fixed to the main wall of only a church, parish house, membership club, Volunteer Fire Co., school, or public building shall be permitted, or may be erected in the front yard, but not within fifteen (15) feet of a street line. Such sign may be interior lighted. Not more than two such signs or one (1) sign of a thirty-two (32) square foot maximum size shall be permitted on a lot. Name or announcement signs are permitted in all Districts.

**442.3 Real Estate Signs**

A real estate "For Sale" or "For Rent" sign, or a construction sign, shall apply only to the property upon which it is placed. Not more than two such signs shall be permitted on any one property or premise.

**442.4 Business Identification Signs**

In Agricultural-Rural and Rural Residential Districts, for each property, two signs not exceeding sixteen (16) square feet each are permitted. Signs shall not be erected within the street right-of-way or at places where a hazard would be created. In Village Center and Industrial Districts, for each building wall of facade, two (2) square feet aggregate area of sign is
permitted for each one (1) foot horizontal length of facade, but not to exceed an aggregate area of one hundred-twenty (120) square feet on any one facade.

442.5  Directional Signs

Off-premises signs which are used for directing persons to principal uses in the Township may be erected if such signs indicate only the name and direction of the principal business or service. Only one (1) such sign shall be erected prior to each intersection turning movement necessary to reach such intersection. Signs shall not be longer than three (3) feet in length and one (1) foot in height and shall be no closer than fifteen (15) feet to a side lot line and shall not be located within the street line. Signs shall not exceed eight (8) feet in height above the average ground level at the base of such sign.

442.6  Advertising Signs

Advertising signs are permitted in Village Center and Industrial Districts only. One sign per lot, with a maximum size of sixteen (16) square feet and a minimum distance of fifteen (15) feet from a street line is allowed.

442.7  Written Application

No business or advertising sign other than a professional or announcement sign shall be erected, hung, attached or displayed until a written application has been made to the Zoning Officer and a permit therefore has been duly issued upon payment of the established fee.

442.8  Projection

No sign shall project more than six (6) inches from the building facade to which it is attached.

442.9  Height

No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. No sign structure that is not a part of or supported by a building shall be more than eight (8) feet in height above the average ground level at the base of such sign.

400-27
442.10  Clearance

No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground, provided that necessary supports may extend through such open space.

442.11  Length

No sign structure erected directly upon the ground shall have an unbroken length of more than twenty-five (25) feet.

442.12  Spacing

No sign structure erected directly upon the ground shall be within five (5) feet of any other sign structure.

442.13  Relationship to Street Intersection

No sign shall be erected, attached, or displayed within twenty-five (25) feet of the point of intersection of the street line at a street corner.

442.14  Illumination

Signs may be interior lighted with non-glaring lights, or may be illuminated by shielded flood lights; provided, however, that no red or green lights shall be permitted within seventy-five (75) feet of the point of intersection of the street lines at a street corner.

442.15  Flashing and Moving Signs

No illuminated sign shall have a flashing, moving, rotating, oscillating, shuttered, or similar device. Signs having all or any part in motion by any means are prohibited.

450  HOME OCCUPATION OR HOME RELATED BUSINESS

451.1  The home occupation or home related business shall not be conducted on the premises outside of a building.

451.2  The home occupation or home related business shall not exceed twenty-five (25%) percent of the floor area of the principal dwelling unit (including a finished basement which meets building code requirements) or 500 square feet of an accessory structure.
451.3 There shall be no outside storage of materials.

451.4 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation or home related business other than one professional or announcement sign pursuant to the provisions of section 442.1. Outside lighting may not be used after 10:00 pm.

451.5 A maximum of two vehicles which are used for a home occupation or home related business shall be permitted on the lot. Any need for parking generated by the conduct of such home occupation or home related business shall be met off the street and other than in a required front yard. Parking areas shall meet setback requirements from lot lines.

451.6 No equipment or process shall be used in such home occupation or home related business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

451.7 No more than one (1) employee who is not a resident of the dwelling, may be engaged in the home occupation or home related business.

451.8 Home occupations may include: art studio, teaching (provided not more than three (3) pupils simultaneously), engineering, architecture, insurance and other home offices. Home related businesses may include: carpenter, plumber, electrician, or other trades, equipment repair.

451.9 Approvals must be obtained by the Department of Environmental Protection for any home occupation or home related business which requires discharge into a sewage disposal system. All home occupations or home related businesses which require approvals from any County, State or Federal Agency, such approvals must be obtained prior to issuance of a permit.

451.10 A permit shall be required to conduct a home occupation or home related business. Permit applications and fees shall be prescribed by Resolution of the Board of Supervisors. Permits shall be valid for a period of five (5) years and are not transferrable. Permits may be renewed upon expiration by Resolution of the Board of Supervisors.
460 PLANTING SCREEN

Adjacent to every side and rear lot line of every property in a Village Center or Industrial District which abuts an Agricultural-Rural or Rural Residential District and which is to be developed for non-residential purposes, a protective planting strip shall be required not less than ten (10) feet nor more than thirty (30) feet in width, situated within any required side or rear yard, designed and laid out with suitable evergreen plant material which will be planted at a minimum height of four (4) feet, and will attain and shall be maintained at a height of not less than eight (8) feet, so as to provide an effective natural screen between the non-residential and residential districts.

470 PROTECTION OF NATURAL RESOURCES

471 Natural Resource Protection Standards

All uses and activities established after the effective date of this Ordinance shall comply with the following standards. Site alterations, regrading, filling or clearing of any natural resources prior to the submission of applications for zoning or building permits or the submission of plans for subdivision or land development shall be a violation of this Ordinance. In the event that two or more resources overlap, the resource with the greatest protection standard (i.e. permitting the least amount of alteration, regrading, clearing or building) shall apply to the area of overlap.

a. Flood Plain: Areas identified as within the flood plain of the one hundred year recurrence interval flood shall not be altered, regraded, filled or built upon except in conformance with the Lower Milford Township Flood Plain Zoning Ordinance. For areas designated as "Approximate 100 Year Flood Plain" along streams and watercourses where the one hundred year flood plain (with a floodway and flood fringe) has not been delineated, the requirements of Flood Plain Soils shall be met.

b. Flood Plain Soils: All such areas shall not be altered, regraded, filled or built upon except in conformance with the Lower Milford Township Flood Plain Zoning Ordinance with respect to which flood plain soils are to be considered to be "Approximate 100 Year Flood Plain." Flood plain soils shall not be used where the one hundred year flood plain (with a floodway and flood fringe) has been delineated.

c. Steep Slopes: On all land designated as having a slope of eight (8) percent or more as delineated on a detailed topographical map taken from field surveys and giving elevations at intervals not exceeding two (2) feet and prepared by a land surveyor or engineer licensed in the State of Pennsylvania and bearing his seal, the following standards shall apply:
(1) 8% to 15%. No more than forty percent (40%) of such areas shall be altered, regraded, cleared or built upon.

(2) 15% to 25%. No more than thirty percent (30%) of such areas shall be altered, regraded, cleared or built upon.

(3) 25% or steeper. No more than fifteen percent (15%) of such areas shall be altered, regraded, cleared or built upon.

(4) Areas of steep slopes that are less than three thousand (3,000) square feet shall be counted with the flattest adjacent slope classification.

(5) The above regulations do not apply to disturbance of soil for agricultural or food production purposes.

d. Woodlands: The following standards shall apply to woodlands:

(1) Woodlands in Environmentally Sensitive Areas. No more than twenty percent (20%) of woodlands located in environmentally sensitive areas shall be altered, regraded, cleared, or built upon. Environmentally sensitive areas shall include flood plains, flood plain soils, steep slopes, wetlands, wetland margins, and lake or pond shorelines.

(2) Other Woodland Areas. No more than fifty percent (50%) of woodlands which are not located in environmentally sensitive areas (specified in (1) above) shall be altered, regraded, cleared or built upon.

(3) Following construction and/or tree removal (including irreparably damaged), an inventory will be conducted and, for each tree materially damaged or removed beyond the prescribed area above, replacement shall be as follows:

<table>
<thead>
<tr>
<th>Caliper of tree to be removed</th>
<th>Minimum number and minimum caliper of tree to be planted as a replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>6&quot; to 8&quot;</td>
<td>one, 3-3 1/2&quot;</td>
</tr>
<tr>
<td>8&quot; to 12&quot;</td>
<td>one, 4-4 1/2&quot; or two, 3 1/2&quot;</td>
</tr>
<tr>
<td>12&quot; to 18&quot;</td>
<td>one, 5-5 1/2&quot; or three, 3 1/2&quot;</td>
</tr>
<tr>
<td>18&quot; to 24&quot;</td>
<td>one, 6-6 1/2&quot; or four, 3 1/2&quot;</td>
</tr>
<tr>
<td>greater than 24&quot;</td>
<td>two, 6-6 1/2&quot; or five, 3 1/2&quot;</td>
</tr>
</tbody>
</table>

(b) Replacement tree species shall conform to the trees removed unless otherwise authorized by the Township.
e. Watercourses: Such areas shall not be altered, regraded, filled, piped, diverted, or built upon except where design approval is obtained from the Township and, if required, the Pennsylvania Department of Environmental Resources.

f. Wetlands: Such areas shall not be altered, regraded, filled, piped, diverted, or built upon except where state and federal permits have been obtained.

(1) Delineation.

(a) Wetlands boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a thorough review by the Township. To be accepted as the basis for delineation, the study must be approved by the Planning Commission on the recommendation of the Municipal Engineer.

(b) In the event that a wetlands delineation validated by the U.S. Army Corps of Engineers is shown to vary from the wetlands boundary derived from subsection (a) above, the Corps delineation will govern.

(2) Federal and State Regulations. In addition to the requirements above, any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations.

g. Wetlands Margin: No more than twenty (20) percent of such areas shall be altered, regraded, filled or built upon. In addition, any Department of Environmental Protection regulations under Chapter 105 of Title 25 of the Pennsylvania Code concerning activities in wetlands margins shall be met. For the purposes of this Ordinance, the wetlands margin shall extend twenty-five (25) feet from the wetland boundary.

h. Lakes and Ponds: Such areas shall not be altered, regraded, filled, piped, diverted, or built upon.

i. Lake and Pond Shorelines: For the purposes of this Ordinance, lake and pond shorelines shall be measured one hundred (100) feet from the spillway crest elevation. No more than twenty (20) percent of such areas shall be altered, regraded, filled, or built upon.
a. Plan Information. In order to meet the natural resource protection standards of Section 471 of this Ordinance, the following information is required to be provided with an application for a subdivision or land development plan, and/or a zoning permit:

(1) A site plan which illustrates all natural resources on the site and the proposed use on the site;

(2) All encroachments and disturbances necessary to establish the proposed use on the site;

(3) Calculations which indicate the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon.

b. Building Envelope. The purpose of the identification of a building envelope as defined in these regulations is to provide sufficient area for the general location of the building, driveway, patio, other improvements and site alterations while meeting the natural resources protection standards and minimum setback requirements of this Ordinance.

Within any proposed subdivision, each lot shall have a contiguous building envelope of at least 8,000 square feet for residential lots and 20,000 square feet for other permitted uses. In the case of an existing lot, it must be demonstrated that the permissible building envelope will encompass the improvements and site alterations proposed.

c. For uses with on-lot sewage systems, a three thousand (3,000) square foot or larger area, in addition to the building envelope specified in subsection b. above, shall be identified for the location of the sewage system. Such additional area shall not include natural features with a one hundred (100) percent protection standard and the portion of those natural features that may not be developed or intruded upon as specified in Section 471.

d. Site Capacity Calculation. Each site is unique; it has physical features which are rarely duplicated precisely on another site. Portions of some sites may not be usable. The purpose of this subsection is to determine the appropriate intensity of use to which a specific tract may be put. For each tract, the following calculation shall be submitted by the developer.

(1) Base Site Area: Certain portions of tracts may not be usable for the activities proposed for the site; these shall therefore be subtracted from the site area to determine Base Site Area.
(a) Site area as determined by actual on-site survey

_________ Ac.

(b) Subtract -
Land within ultimate right-of-way of existing roads,

-_________ Ac.

Land within utility rights-of-way and/or easements

-_________ Ac.

(c) Subtract - land which is not contiguous; i.e., a separate parcel which does not abut or adjoin, nor share common boundaries with the rest of the development; and/or land which is cut off from the main parcel by a road, railroad, existing land uses, and/or major stream so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes.

-_________ Ac.

(d) Subtract - land which in a previously approved subdivision was reserved for natural resources protection reasons (e.g. flood plain, steep slopes, etc.) or for recreation.

-_________ Ac.

(e) Subtract - land uses or zoned for another use; i.e., land which is used or to be used for commercial or industrial uses in a residential development, or land in a different zoning district than the primary use

-_________ Ac.

Base Site Area

_________ Ac.

(2) Land With Resource Restrictions and Resource Protection Land - Calculate the land with resource restrictions and the resource protection land. In the event that two or more resources overlap, only the resource with the highest open space ratio shall be used in the calculations.
<table>
<thead>
<tr>
<th>Resource</th>
<th>Open Space Ratio (OSR)</th>
<th>Ac. of Land in Resources</th>
<th>Resource Protection Land (Ac. x OSR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Plains</td>
<td>100%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Plain Soils</td>
<td>100%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steep Slopes:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-15%</td>
<td>60%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-25%</td>
<td>70%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25% or more</td>
<td>85%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodlands:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environ. Sensitive</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>50%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lakes or Ponds</td>
<td>100%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watercourses</td>
<td>100%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td>100%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake or Pond</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shorelines</td>
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<tr>
<td>Wetlands Margin</td>
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<td></td>
</tr>
<tr>
<td>Land with Resource Restrictions</td>
<td></td>
<td>_________ Acres</td>
<td>_________ Acres</td>
</tr>
<tr>
<td>Resource Protection Land</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) Net Buildable Site Area - Calculate the net Buildable Site Area.

Base Site                      _________ acres
Subtract Resource Protection Land - _________ acres
Net Buildable Site Area         = _________ acres

(4) Number of Dwelling Units/Lots - Calculate the maximum number of dwelling units (DU's).

Net Buildable Site Area         _________ acres
Multiply by Maximum Net Density Specified in Section 473 x _________
Number of Dwelling Units        _________ DU's

Note: Fractions of DU's round up if greater than or equal to 0.5, and down if less than 0.5.
Determination of Impervious Surface Ratio: To assure that the amount of impervious surfaces on the site have not exceeded the standard permitted for the various districts, the Impervious Surface Ratio for each site shall be calculated. The total area of impervious surface contained in any of the following categories shall be determined:

\[ \text{Total Impervious Surfaces} = \text{Streets} + \text{Buildings} + \text{Driveways} + \text{Sidewalks} + \text{Patio} + \text{Swimming Pools} + \text{Other} \]

\[ \text{Impervious Surface Ratio} = \frac{\text{Total Impervious Surfaces}}{\text{Base Site Area}} \]

The impervious surface ratio shall be less than or equal to the maximum Impervious Surface Ratio specified in Section 473. In the case of subdivisions, permissible impervious surface must be allocated on a per lot basis so that limitations will not subsequently be exceeded.

473 Table of Performance Standards

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural-Rural</td>
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<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>0.5</td>
<td>0.20</td>
</tr>
<tr>
<td>2-Family</td>
<td>0.5</td>
<td>0.20</td>
</tr>
<tr>
<td>Other</td>
<td>---</td>
<td>0.20</td>
</tr>
<tr>
<td>Rural Residential</td>
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<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>0.66</td>
<td>0.20</td>
</tr>
<tr>
<td>2-Family</td>
<td>0.66</td>
<td>0.20</td>
</tr>
<tr>
<td>Other</td>
<td>---</td>
<td>0.20</td>
</tr>
<tr>
<td>Village Center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>1.0</td>
<td>0.30</td>
</tr>
<tr>
<td>2-Family</td>
<td>1.0</td>
<td>0.30</td>
</tr>
<tr>
<td>Other</td>
<td>---</td>
<td>0.30</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Uses</td>
<td>---</td>
<td>0.30</td>
</tr>
</tbody>
</table>
CONTROL OF SMOKE, DUST, DIRT, FUMES, VAPORS, GASES AND ODORS

The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollen and similar matter, or any combination thereof, which can cause any irritation or damage to human or animal health, or vegetation, or which can cause any soiling or staining of person or property at the point beyond the lot line of the use creating the emission, or any emission which unreasonably interferes with the comfortable enjoyment of life or property is prohibited. (For example, emission of pollutants is defined as causing the presence in the outdoor atmosphere of any form of contaminant including, but not limited to, the discharges from stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes, or any other source of smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, or any other matter which is in such place, manner, or concentration inimical or potentially inimical to public health, safety, or welfare). Standards concerning such emissions shall be in accordance with the current rules and regulations of the Pennsylvania Department of Environmental Protection.

For purposes of enforcement relative to this section, the Township Zoning Officer shall:

1. Serve notice to the Pennsylvania Department of Environmental Protection requesting investigation of any reported emission.

2. Withhold Certificates of Occupancy and/or Zoning Permits relative to applications whose activities would cause emissions regulated by the Pennsylvania Department of Environmental Protection pending submission by the applicant documenting that a permit and/or formal waiver has been issued by the Department of Environmental Protection.
SECTION 500
SPECIAL EXCEPTION USES

510 PROCEDURE FOR SPECIAL EXCEPTION USES

The Zoning Hearing Board shall make a determination that the proposed special exception use will or will not be permitted pursuant to the procedures set forth in Section 740. The use shall be permitted if the standards and criteria set forth in Section 500 are met. The use shall not be permitted or permitted to continue if the standards and criteria set forth in this section are not continually met. The Zoning Hearing Board may attach other reasonable conditions and safeguards which are necessary for the protection of the public health, safety, general welfare or morals of the community, in the permitting of a Special Exception Use.

520 STANDARDS AND CRITERIA

The following are the standards and criteria for each Special Exception Use as noted in Section 300. These standards apply only when the use is a Special Exception Use.

521 Public and Private Academic Schools

521.1 Applications for public schools shall include a letter from the Pennsylvania Department of Education stating that all of the requirements of that Department have been met.

521.2 Private schools shall meet all requirements of the Pennsylvania Department of Education which pertain to the site, location, and siting of the school on the property. The Zoning Hearing Board shall be granted such time as is necessary to obtain the most current regulations from the Department of Education.

522 Membership Club or Lodge

522.1 It shall be demonstrated to the Board that the private club or lodge shall operate on a membership basis only, and shall be a non-profit organization as defined.

522.2 It will serve as a purely social, athletic or community service purpose.

522.3 It will not be conducted as a business.

522.4 It will not cause or create a nuisance to adjoining properties or to its general neighborhood in the conduct of its activities.
523 Extraction of Natural Resources

523.1 A site plan shall be submitted, indicating existing grades, and proposed grades after completion of the extraction process. The site plan shall also show method of extraction, list all machinery to be used and location of points of ingress and egress for vehicles to and from the site.

523.2 Where materials are removed from the site, it shall be planned in such manner that it will not cause any debris or material to be deposited beyond the site boundaries.

523.3 A written agreement shall be included with the site plan from the applicant stating that all machinery and devices used for extraction purposes will be removed from the site upon completion of the process.

523.4 An estimated time schedule of operations and completion shall be submitted with the site plan. The Board may extend said schedule, upon request, within reasonable limits and as the situation requires.

523.5 No extraction shall be conducted and no buildings shall be located closer than one hundred and fifty (150) feet to the center line of any street. The setback area shall not be used for any other use in conjunction with extraction except access streets, berms, screening and permitted signs.

523.6 There shall be a berm of minimum height of fifteen (15) feet and maximum height of fifty (50) feet, separating the extraction areas from the surrounding properties. Slope of sides of berm shall not exceed 1:1 ratio. Berms shall be planted and dust and erosion control measures shall be taken. There shall also be planting sufficient to screen the extractive industry operation. Planting and berm shall begin at a point not closer to the street than the future right-of-way line.

523.7 Fences are encouraged and may be required within the setback area. Appropriate warning signs shall be posted at intervals of not more than one hundred (100) feet.

523.8 An adequate internal circulation pattern of streets shall be maintained between excavation and processing areas. Use of public streets shall not be permitted for hauling between extractive and processing areas except where required in connection with such pattern, or for access to vehicular traffic originating from or destined to points beyond the limits of such excavation site and processing areas.
523.9 All activities shall comply with the applicable Federal and State regulations for earth extraction industries. Necessary permits related thereto shall be submitted.

523.10 All drainage from the site of extractive operations shall be controlled by dikes, barriers or drainage structures sufficient to: (1) prevent any silt, debris or other loose materials from filling any existing drainage course or encroaching on streets or adjacent properties; and (2) prevent excessive amounts of runoff from the site.

523.11 All operations shall be conducted with sufficient lateral support to be safe with respect to: (1) hazard to persons, (2) physical damage to adjacent lands or improvements, or (3) damage to any street, parking area, or utility by reason of slides, sinking or collapse.

524 Solid Waste Disposal Facility

524.1 No solid waste disposal facility may be operated by anyone except in accordance with Lower Milford Township Solid Waste Disposal Facility Ordinance. A Township permit is required for such operation.

525 Kennels, Animal Hospitals, Commercial Stables or Riding Academies

525.1 The minimum lot size shall be five (5) acres.

525.2 No structure shall be located closer than five hundred (500) feet from any dwelling unit, except for the home on the premises.

525.3 The Zoning Hearing Board shall determine that the proposed location will not create a noise or traffic nuisance to adjacent properties.

525.4 There shall be no activity conducted between 10:00 p.m. and 6:00 a.m. and there shall be no illuminated signs during such hours.

526 Hospitals or Convalescence Home

526.1 Outside storage of gases must be in areas made inaccessible and secure by the construction of fences.

526.2 The location of hospital access points shall be properly suited to the safe operation of emergency vehicles.

526.3 Access to hospitals shall be available at a minimum of two (2) locations.
526.4 Suitable areas shall be provided for trash storage, which are so designed as not to be visible from a public street. The trash storage areas must allow for safe, easy removal of the trash.

527 Filling Station

527.1 Spray painting or body work shall not be permitted.

527.2 All refuse shall be stored within an enclosed area. All parts and inoperable vehicles shall be stored in an enclosed structure.

527.3 Vehicles awaiting repair shall not be stored outside of enclosed areas for more than five (5) days.

527.4 The gasoline pumps shall be arranged so that sufficient area exists for expected lines of vehicles awaiting fueling within the property line.

527.5 When the rental of equipment such as automobiles, trucks and trailers is to be conducted, an additional one thousand (1,000) square feet of lot area shall be provided for each five (5) automobiles and trailers, and one thousand (1,000) sq. ft. for each four (4) trucks.

527.6 Ancillary businesses such as car washes and convenience markets must provide sufficient parking and a clear, safe access arrangement.

527.7 All exterior lighting shall be directed away from residential properties.

527.8 No garage accommodating more than five (5) vehicles and no filling station will be located or will have any entrance or exit within two hundred (200) feet of the entrance or exit to a public or parochial school, private school, public library, theatre, assembly hall, church, hospital, semi-public institution, public park, playground or fire station.

527.9 All public garages and filling stations will be so arranged, and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within fifteen (15) feet of any street line, or side lot line, nor within twenty (20) feet of any Rural Residential or Village Center District boundary line.

527.10 Business hours shall not be conducted from 10:00 p.m. to 6:00 a.m.
Car Wash Station, Public Garage

528.1 The parking area shall be designed so that ordinary traffic movements associated with the car wash or garage can be accomplished within the bounds of the property.

528.2 All exterior lighting shall be directed away from residential properties.

528.3 All storage shall be within enclosed structures.

528.4 Directions for the internal movement of traffic shall be clearly marked.

528.5 No public garage accommodating more than five (5) vehicles shall be located or shall have any entrance or exit within two hundred (200) feet of the entrance or exit to a public or parochial school, private school, public library, theatre, assembly hall, church, hospital, public park, playground or fire station.

528.6 Business hours shall not be conducted from 10:00 p.m. to 6:00 a.m.

Outdoor Storage of Automobiles for Sale

529.1 No loudspeaker audible outside the building is permitted.

529.2 Display lighting shall be directed away from residential properties.

529.3 All outside display areas shall be paved.

529.4 The parking area shall be designed so that ordinary traffic movements associated with the display and sale of the vehicles can be accomplished within the bounds of the property.

529.5 Outside storage of automobiles for sale shall not be allowed as a home occupation on a residential site.

529.6 Business hours shall not be conducted from 10:00 p.m. to 6:00 a.m.

Day Care Centers for Children

530.1 Applications for a child day care center shall include a letter from the Pennsylvania Department of Public Welfare that all of the requirements of Chapter II, Section 8A of the Department's Social Services Manual on Regulations for child day care centers have been met.
531 Heliports

Each application for a heliport shall include the following:

531.1 A copy of the Federal Aviation Administration Form 7480-1, "Notice of Landing Area Proposal."

531.2 A copy of a letter of "No Objections" from the FAA.

531.3 A copy of State of "Pennsylvania application for approval of landing area site and the letter of site approval" from the Bureau of Aviation.

532 Private Landing Strips

Each application for a private landing strip shall include the following:

532.1 A copy of a letter or other documentation showing proof of authorization of approved air space by the Federal Aviation Administration.

532.2 A copy of a letter or other documentation showing that the surface characteristics and approach clearances of the private landing strip meet the approval of the Pennsylvania Department of Transportation's State Bureau of Aviation.

533 Temporary Dwelling for Family Member(s)

533.1 A temporary Building Permit may be issued for a period not to exceed three (3) years for a dwelling intended for the sole occupancy by a family member(s) of a resident of the main dwelling. Such temporary permit shall be issued only upon written agreement by the owner of the main dwelling that all lot dimension and sanitary sewerage requirements will be met. The Zoning Hearing Board may attach such reasonable conditions as are necessary to protect the public health, safety, morals, and are necessary to protect the public health, safety, morals, and general welfare. The family member(s) and resident shall have any combination of a parent/child and/or grandparent/grandchild relationship to one another by blood, marriage, or adoption.

533.2 The temporary permit may be renewed for additional three (3) year periods. The temporary Building Permit shall cease when the family member(s) cease to occupy the temporary dwelling. The temporary dwelling shall be removed within ninety (90) days of expiration of the Building Permit.
Outdoor Recreation Areas

534.1 The minimum lot size shall be two (2) acres.

534.2 Any outdoor recreation areas shall be appropriately screened and no structure shall be located closer to any lot line than the minimum front setback requirement.

534.3 The area shall be conducted as a non-profit organization serving as a purely social, athletic, or community service purpose.

534.4 The area will not cause or create a nuisance to adjoining properties or to its general neighborhood in the conduct of its activities.

534.5 All exterior lighting shall be directed away from neighboring properties.

Temporary Structures and Uses, and Mobile Home Siting

535.1 A temporary Building Permit may be issued for a period not to exceed one (1) year for a structure or use which does not comply with the zoning ordinance including such uses as the storage of building supplies and machinery, for a real estate office located on a tract of land where individual properties are being offered for sale, or for an emergency situation caused by natural disaster, fire, or similar occurrence. Such temporary permit shall be issued only upon written agreement by the owner or his agent to remove such structure or use upon expiration of such permit. The Zoning Hearing Board may attach such reasonable conditions to the permit as are necessary to protect the public health, safety, morals, and general welfare. The temporary permit may be renewed annually over a period not to exceed three (3) years.

535.2 Mobile Home Siting

All permanent mobile home placements shall occur in accord with the following provisions.

535.21 The area of the mobile home stand shall be improved to provide an adequate permanent foundation for the placement of the mobile home.

535.22 The stand shall be constructed from material sufficient to adequately support the mobile home and to prevent abnormal settling or heaving under the weight of the home. The corners of the mobile home shall be anchored to prevent wind overturn and rocking with tie-downs such as concrete “dead men,” screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least two thousand-eight hundred (2,800) pounds.
535.23 After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the transportation of the unit shall be removed and there shall be a decorative skirt installed around the base of the unit.

536 Group Homes

The following items, but not limited thereto, are to be considered:

536.1 There shall be 24 hour supervision by people qualified in training and experience in the field for which the group home is intended.

536.2 The use shall be licensed under the applicable State and/or Federal programs.

536.3 Medical and counseling services shall be provided for residents only.

536.4 The Group Home activity shall not be related to criminal rehabilitation of either juveniles or adults.

536.5 If there is a change in sponsor, management, a type of client in the Group Home, the use shall be reconsidered by the Zoning Hearing Board.

536.6 The Group Home shall provide the Township with a Certificate of Certification on a yearly basis.

536.7 The Group Home shall register its location, number of residents and sponsoring agency with the Township and such information shall be available to the public.

536.8 A statement setting forth full particulars on the operation to be conducted and to include the approvals of the PA Dept. of Health, Labor and Industry, State and Public Welfare, Human Relations Commission as well as to Title VI of the Civil Rights Act of 1964 shall be filed with the Township where applicable.

537 Building, Structure, or Facility owned and used by an electric, telephone, or other public utility or other government regulated industry

Each application shall be permitted only if the following requirements are met:

537.1 All transmission lines, towers (transmission or relay), substations, switching centers or any other similar or related installations shall meet the requirements and standards of the National Electric Safety Code.

537.2 If located in a residential area, such installation shall be essential to service that area.

537.3 No public business office or any storage yard or storage building shall be operated in connection with such use.
537.4 A fifty foot buffer yard shall be required along all property lines.

537.5 Towers are prohibited in residential districts.

537.6 Parking requirements shall be met as per Section 430 of this Ordinance.
SECTION 600
ADMINISTRATION AND ENFORCEMENT

610 ZONING OFFICER

A Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this Ordinance. The Zoning Officer may not hold elective office.

611 Powers and Duties

If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, she/he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. Such action may include ordering the discontinuance of unlawful use of land or structures, the removal of unlawful structures or unlawful additions and alterations, the discontinuance of any unlawful work being done, or such other action as is deemed necessary to correct or halt the violation.

612 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record the complaint, investigate immediately, and take action thereon as provided by this Ordinance.

613 Interpretation of Ordinance Provisions

The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms and as set forth in Section 220. The Officer shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. Should the Zoning Officer be in doubt as to the meaning or intent of any provision of this Ordinance, or as to the location of any District boundary line on the Official Zoning Map, or as to the propriety of issuing a building permit or a certificate of occupancy in a particular case, she/he shall appeal the matter to the Zoning Hearing Board, as provided in Section 730 of this Ordinance, for interpretation and decision.
Inspection of Premises

The Officer shall have the right and authority, at any reasonable hour, to enter any building, structure, premises, lot or land, whether already erected or in use, or under construction, for the purpose of determining whether or not the provisions of this Ordinance are being complied with. The owner shall be notified of the inspection date when appropriate.

BUILDING PERMITS

No building permit shall be issued for the erection, construction, reconstruction, structural alteration, or moving of any building, structure, or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this Ordinance or unless a Variance or special exception has been granted by the Zoning Hearing Board.

Application for Building Permit

All procedures with respect to applications for and issuance of building permits shall be in conformity with the provision of the Building permit Ordinance. All such applications shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of the Ordinance. The Zoning Officer may request such additional information as is reasonably necessary to exercise a proper judgment on the applicability of provisions of this Ordinance to the proposal submitted.

Construction and Use to be as Provided in Application and Plans

A building permit issued on the basis of applications and plans submitted to the Zoning Officer shall authorize only the use, arrangement, and construction set forth in the applications and plans. Substantial variations in use, arrangement, and construction from the submitted applications and plans shall be deemed a violation of this Ordinance. Where substantial changes are desired once construction has begun, a new building permit shall be required.

Relationship to Zoning Hearing Board Functions

Before issuing a building permit for a structure to be used for a special exception use, the Zoning Officer shall obtain a written order from the Zoning Hearing Board that an application for said special exception use has met the standards and criteria for that use, as provided in Section 740 of this Ordinance. In all matters where it exercises an appeal function, as provided in this Ordinance, the decisions and findings of the Zoning Hearing Board shall direct the actions of the Zoning Officer.

Completion of Buildings for which Permits have been Issued

Nothing in this amending Ordinance shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date of this Ordinance, or any amendment
The construction of such building or structure shall have been begun and diligently pursued within three (3) months from the date of such permit.

The ground story framework, including the second tier of beams, shall have been completed within six (6) months from the date of such permit.

The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based, within one (1) year from the effective date of this Ordinance or any such amendment thereto.

Expiration of Building Permit

In the event that Sections 624.1, 624.2, or 624.3 are not complied with, such building permit shall be revoked by the Zoning Officer. Written notice thereof shall be given to the persons affected, together with notice that further work shall not proceed unless and until a new building permit has been obtained.

Department of Labor & Industry

No building permit shall be issued for any building or structure unless a permit, where applicable, from the Pennsylvania Department of Labor & Industry has been obtained.

CERTIFICATE OF OCCUPANCY

Use Change

It shall be unlawful to use or to permit the use of any building, structure, premises, lot or land, or part thereof, hereafter erected or altered, enlarged or moved, in whole or in part, after the effective date of this amending Ordinance, or any building, structure, premises, lot or land, or part thereof of which the use is changed, until a Certificate of Occupancy has been obtained by the owner, as provided for under the Building Permit Ordinance.
Ordinance Conformity

No Certificate of Occupancy shall be issued for any building, structure, premises, lot or land, unless the erection, construction, reconstruction, structural alteration, or moving of any building or structure or part thereof, and the intended use thereof are in conformity in all respects with the provisions of this Ordinance and all other township ordinances.

Special Exceptions

The Zoning Officer shall obtain a written order from the Zoning Hearing Board before issuing a Certificate of Occupancy in a case involving a special exception use pursuant to Section 740 or a variance from the provisions of this Ordinance pursuant to Section 750.

Existing Uses

Upon written application by the owner or his authorized agent, the Zoning Officer shall issue a Certificate of occupancy for any building or structure, lot or land, existing and in use at the effective date of this Ordinance, provided that the Zoning Officer shall find that such building or structure, lot or land, is in conformity with the applicable provisions of this Ordinance and with all other Township ordinances.

FEES

Fees for building permit applications and for issuance of building permits shall be as provided by Township Ordinances.

NONCONFORMING USES AND NONCONFORMING BUILDINGS OR STRUCTURES

Within the districts established by this Ordinance, or amendments that may later be adopted, there exist lots, structures, and uses which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are terminated.

Unlawful Buildings, Structures, or Uses Not to be Construed as Nonconforming

An unlawful building or structure, or unlawful use of a building, structure, lot or land existing at the effective date of the Ordinance shall not be deemed to be a nonconforming building, structure or use.
Continuation of Nonconforming Uses

Any lawful use which occupies any building or structure, lot or land at the effective date of this Ordinance or any amendment thereto, but does not comply with the use regulations of the District in which it is situated after the effective date of this Ordinance or any amendment thereto, may be continued as a nonconforming use in the building or structure or upon the lot or land so occupied.

Restoration

653.1 A nonconforming building wholly or partially destroyed by fire, explosion, flood, or other phenomenon, or legally condemned as not habitable may be reconstructed and used for the same nonconforming use, provided that building reconstruction shall be commenced within twenty-four (24) months from the date the building was destroyed or condemned and shall complete the reconstruction within 36 months from the date the building was destroyed or condemned.

653.2 A nonconforming building or structure that is devoted to a conforming use may be reconstructed, structurally altered, restored, or repaired in whole or in part, provided that the change does not encroach further on provisions of the Ordinance, including setbacks.

Extension

654.1 A nonconforming structure may be enlarged or extended up to fifty (50) percent of the original building area as is existing prior to the Zoning Ordinance of 1967, providing it conforms to all other provisions herein.

654.2 A nonconforming use may be enlarged or extended only by special exception under the provisions of Section 740 of this Ordinance.

Change of Use

655.1 A nonconforming use may be changed to a conforming use.

655.2 A nonconforming use may be changed to another nonconforming use, provided that the Board shall have made a determination that such change will not be detrimental to the general neighborhood, and further provided that the nonconforming use to which it is changed is of the same or more restricted classification which is more appropriate to the neighborhood in which situated than the original nonconforming use.
655.3 A nonconforming use shall not be expanded to displace or replace a conforming use.

656 Termination

A nonconforming use shall be deemed to have been terminated and shall not thereafter be reinstated:

656.1 When it is changed to a conforming use.

656.2 When it has been discontinued for a period of twenty-four (24) consecutive months where such nonconforming use is in a building or structure designed for such use.

656.3 When it has been discontinued for a period of twelve (12) consecutive months where such nonconforming use is in a building or structure not designed for such use, or is on a lot of land whereupon there is no consequential building or structure devoted to such use.

657 Repairs and Maintenance

Normal maintenance and repairs of a building or other structure containing a nonconforming use are permitted, provided they do not extend the floor area occupied by the nonconforming use.

658 Registration of Non-conforming Uses and Structures

Upon adoption of this Ordinance, owners of property in Lower Milford Township shall identify and register with the Zoning Officer, all non-conforming uses and structures. Upon identification of the non-conformance, the Zoning Officer shall note in the Township records that a non-conformance exists on the property and shall specify with which section of the ordinance it does not conform.

660 VIOLATIONS AND PENALTIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by Lower Milford Township as a result of enforcement action. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the enforcement of this Ordinance shall be paid over to the Township of Lower Milford.
SECTION 700

ZONING HEARING BOARD

710 ORGANIZATION

711 General Grant of Power

712 Appointment

The membership of the Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors for a normal term of office of three (3) years, starting at the date of appointment. The first appointment shall be one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years so that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

713 Organization

The Board shall elect its Chairman and Vice-Chairman from its membership, who shall serve annual terms as such and may succeed themselves. The Board may make, alter and rescind rules and forms for its procedure, consistent with the provisions of the Pennsylvania Municipalities Planning Code and this Ordinance.

713.1 For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all the members of the Board, but where two (2) members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 722.

713.2 The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year. The Board is authorized to employ a Secretary or Clerk, who is not a member of the Board, at a salary to be fixed by the Board of Supervisors.

714 Removal of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors. Such a vote may be taken only after the member has received at least fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing.
Compensation

The Board shall receive compensation for each meeting as fixed by the Township Supervisors. In no case shall the amount exceed the rate of compensation authorized to be paid to members of the Board of Supervisors.

Meetings

Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. Meetings shall be at sufficiently frequent intervals, at the discretion of the Board, for the efficient conduct of its business. All meetings shall be open to the public.

PROCEDURE

Rules of Procedure

The Board shall adopt such rules of procedure, consistent with the provisions of the Pennsylvania Municipalities Planning Code and this Ordinance, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

Hearings

The Board shall conduct a public hearing for all decisions it must make. It may appoint any member as a hearing officer to conduct such hearings. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties to the hearing may waive the decision or findings being made by the Board and accept the decision or findings of the hearing officer as final.

Time Limitations

A hearing shall be held on all requests or consents to an extension of time.

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by appropriate Township officer, agency or body if such proceeding is designated to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given.
Notice of Hearings

The Board shall publish a public notice, in a newspaper of general circulation in the Municipality, in accordance with the Pennsylvania Municipalities Planning Code. Also, the owners of property adjacent to or within 300 feet of the property for which action is requested shall be notified by letter of the hearing not less than fourteen (14) days prior to said hearing. The names and addresses of these property owners shall be supplied to the Board by the applicant.

Parties to the Hearings

The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

In any matter which relates to a property which lies within five hundred (500) feet of the boundary of another municipality, the Secretary of the Board shall transmit to the municipal clerk of such other municipality a copy of the official notice of the public hearing on such matter, not later than one (1) day after publication thereof. Such other municipality shall have the right to appear and to be heard at such public hearing.

Minutes and Records

The Secretary shall keep a stenographic record (minutes) of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record. A transcript of all proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

A record of all variances and special exception uses granted pursuant to action of the Board under this Ordinance shall be maintained. This record shall be available for public inspection.

Witnesses and Evidence

The Chairman, or acting Chairman, may administer oaths and compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties to the hearing. Such parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
Communications with the Parties

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless all parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

Decisions

The Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, of this Ordinance, or of other Township regulation, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to all parties, which shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. The Board's final decision or findings shall be entered no later than forty-five (45) days after the decision of the hearing officer.

Where the Board fails to render the decision within the time periods required, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless he has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as required, the Township shall give public notice, pursuant to the requirements of the Pennsylvania Municipalities Planning Code, and shall notify all parties of said decision within ten (10) days.

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

APPEALS ON INTERPRETATION OF THE ZONING ORDINANCE OR MAP

The Zoning Hearing Board is hereby authorized, upon an appeal by an affected landowner, any officer or agency of the Township, or any person aggrieved, to hear and decide:

700-56
731 Any matter where an appellant or his agent or attorney alleges that the Zoning Officer was in error in refusing to issue a building permit or certificate of occupancy, as a result of misinterpreting the meaning, intent or application of any section or part of this Ordinance.

732 Any matter where an appellant alleges that the Zoning Officer was in error in his determination as to the exact location of a district boundary line on the Zoning Map that forms a part of this Ordinance.

733 Any other matter relating to this Ordinance, where an appellant seeks a review of any decision, order or ruling made by the Zoning Officer.

734 Any matter which the Zoning Officer appeals on grounds of doubt as to the meaning or intent of any provision of this Ordinance or as to the location of a district boundary line on the Zoning Map.

740 SPECIAL EXCEPTION USES

Where a use requires a Special Exception review by the Board as noted in Section 300, the applicant shall request a hearing by the Board.

741 The Board shall hear and decide on the request in accordance with the standards and criteria for each Special Exception use set forth in Section 520. In determining that a use shall be permitted, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

742 The Board may require the submission or presentation of such plans and other materials as it deems necessary to make a proper determination. Any subsequent amendment or addition to plans for which a permit is sought shall be subject to review and public hearing by the Board.

750 VARIANCES

751 General Delegation of Power

In addition to and separate from the power of the Zoning Hearing Board to grant permits for special exception uses, as provided in Section 500, the Zoning Hearing Board shall have the power to authorize, upon appeal, in specific cases such variance from the terms of this Ordinance as will not be contrary to public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be served and substantial justice done. Such unnecessary hardship may not have been created by the applicant.

752 Guiding Principles

752.1 Every variance granted by the Zoning Hearing Board shall be based upon and accompanied by a specific finding, or findings, supported by evidence produced at a public hearing in the manner provided by law, to the effect
A person aggrieved by a use or development permitted on the land of another by this Ordinance or any provision thereof and desiring to challenge its validity on substantive grounds.

The Board shall not hear questions of an alleged defect in the process of enactment of adoption of this Ordinance. The procedure for such question is provided for in Section 1003 of the Pennsylvania Municipalities Planning Code.

The landowner or persons aggrieved shall submit a written request to the Board that it hold a hearing on the challenge. The request shall contain a short statement reasonably informing the Board of the matters that are at issue and the grounds for the challenge. A request submitted by a landowner shall be accompanied by plans and other materials describing the use or development proposed in lieu of the use or development permitted by this Ordinance. Such plans and other materials shall not be required to meet the drawing requirements prescribed in the Lower Milford Township Subdivision and Land Development Ordinance so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating this Ordinance in the light thereof.

Notice of such hearing shall include notice that the validity of this Ordinance is in question. Where the challenge is that of a landowner, the notice shall also give the place where and the times when a copy of the landowner's request, including the plans and other materials submitted, may be examined by the public.

If a hearing has been held by the Board of Supervisors covering the same matters at which a stenographic record has been taken, the Board shall, upon motion of any party, accept said record as the record in the case before the Board, but the Board shall not be precluded from taking additional evidence.

The Board shall decide on all contested quantities and shall make findings on all relevant issues of fact.
SECTION 800
PROCEDURE FOR AMENDMENT

810 POWER TO AMEND

The regulations, restrictions, and boundaries set forth in this Ordinance and on the Official Zoning Map may, from time to time, be amended, supplemented, changed, or repealed through amendment by the Board of Supervisors.

811 Who May Initiate

Proposals for amendment, supplement, change or repeal may be initiated by the Board of Supervisors on its own motion, by the Planning Commission, or by petition of one or more residents of the Township. Such petitions shall be signed and acknowledged and submitted in writing to the Township Secretary.

811.1 A landowner who desires to challenge on substantive grounds the validity of this Ordinance or any provisions thereof, which prohibit or restrict the use or development of land in which he has an interest, may submit a Curative Amendment to the Board of Supervisors with a written request that his challenge and proposed amendments be heard and decided, as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code.

812 Planning Commission Review

Proposals originated by the Board of Supervisors, by petition of Township residents, or by Curative Amendment, shall be referred to the Planning Commission at least thirty (30) days prior to any public hearing on the proposed amendment. The Planning Commission shall submit to the Board of Supervisors a report of its recommendations, including any additions or modifications to the original proposal, prior to the public hearing.

812.1 All proposals for amendment, supplement, change or repeal which are subsequently drafted into an ordinance to amend this Ordinance or the Official Zoning Map shall be submitted to the Lehigh Valley Planning Commission for recommendations at least thirty (30) days prior to the public hearing on the proposed amendment.

820 PUBLIC HEARING

Before voting on enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice shall be provided pursuant to the requirements the Pennsylvania Municipalities Planning Code. Notice shall also be mailed to any civic association or association of residents in the Township who shall have registered their name and address for this purpose with the Board of Supervisors. If a proposed amendment affects any land or structure within 500 feet of an adjoining municipality, notice of the hearing and a copy of the proposal may be forwarded to the Secretary of the governing body of the municipality at least fifteen (15) days prior to the hearing.
SECTION 900
DEFINITIONS

Certain words and terms used in this Zoning Ordinance are defined and shall be used as follows:

Definition of Words

901 Words in the present tense shall include the future tense.

902 Words in the singular include the plural and those in the plural include the singular.

903 The word "person" shall include a corporation, unincorporated association, partnership, or other legal entity as well as an individual.

904 The word "structure" includes buildings and shall be encountered as if followed by the phrase "or part thereof."

905 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

Definition of Terms

906 ACADEMIC SCHOOL. Any school that maintains or conducts classes for the purpose of offering instruction, the purpose of which is to educate an individual generally or specifically or to prepare an individual for more advanced study, and shall include all schools engaged in such education, except trade schools, business schools, correspondence schools, or any other school which is nonacademic in character. These schools may include, but are not limited to: nursery school and kindergarten, elementary and secondary, special education, tutoring and language schools, clinic and reading laboratories.

907 ACCESS DRIVEWAY. A privately owned, constructed, and maintained vehicular access from a street or access drive to one dwelling unit, commercial unit, or industrial unit.

908 ACCESSORY USE OR BUILDING. A subordinate use or building customarily incidental to, and located on the same lot occupied by the main use or building. The term ACCESSORY BUILDING may include a private garage, garden shed or barn, a private playhouse, a private greenhouse, and a private swimming pool as hereinafter provided.

909 ALTERATION. As applied to a building or structure means a change or rearrangement in the structural parts or in the means of egress, or an enlargement, whether by extending on a side or by increasing the height; or the moving from one location or position to another.

910 ANIMAL HUSBANDRY. The raising and keeping of livestock and poultry, with the intent of producing capital gain or profit, through the selling of any livestock or poultry products. The keeping of livestock or poultry as farm pets, or for domestic purposes pursuant to the
regulations of this Ordinance, shall not be construed as animal husbandry.

911 APPLICATION FOR DEVELOPMENT. Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited, to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

912 BOARD. The Zoning Hearing Board of Lower Milford Township unless otherwise stipulated or indicated by reference.

913 BOARD OF SUPERVISORS. The Elected Governing body of Lower Milford Township.

914 BOARDING HOUSE. A private dwelling in which at least two, but not more than six, rooms are offered for rent, payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

915 BUILDING. A structure constructed or erected on the ground, with a roof supported by columns or walls.

916 BUILDING, AREA OF. The horizontal area measured within the outside of the foundation walls and of the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings, if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two non-overlapping levels, separated by a half-story, or less, of height.

916.1 BUILDING ENVELOPE. The building envelope is that area of a lot that has no development restrictions. The building envelope shall not include the area of any required setbacks (except for driveways which would cross yards), buffer yards, natural features with one hundred (100) percent protection standard and the portion of those natural features that may not be developed or intruded upon as specified in Section 471 Natural Resource Protection Standards.

917 BUILDING PERMIT. The official certificate issued by the delegated authority for the erection, construction, change of use, structural alteration, or moving of a building or any part thereof.

918 BUSINESS CENTER DEVELOPMENT. A tract of land, buildings, or structures planned as a whole and intended for one or more establishments for a commercial purpose on a site, whether built at one time as a unit, or in two or more construction stages.

919 CERTIFICATE OF OCCUPANCY. The certificate issued by the delegated authority which permits the use of a building in accordance with approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit.

920 CHANGE OF USE. An alteration in a building heretofore existing to a new use which imposes other special provisions of law as outlined in this and other applicable ordinances and regulations.
921 COMMERCIAL VEHICLE. A motor vehicle licensed by the Commonwealth in a class other than Class I or Class II.

922 COMPREHENSIVE PLAN. The maps, charts, and textual material adopted by the Board of Supervisors of Lower Milford Township in accordance with the Pennsylvania Municipalities Planning Code and designated, as a whole and in its several parts, as a Comprehensive Plan for the continuing development of Lower Milford Township.

923 CROP FARMING. The raising and keeping of field, truck and tree crops with the intent of producing capital gain or profit or with the intent of selling any field, truck or tree crops. For the purpose of this Ordinance, the term "CROP FARMING" shall include plant and tree nurseries, but excluding fish. Harvesting of tree crops for timber must comply with Section 470.

924 CUL-DE-SAC STREET. A local street intersecting another at one end, and terminating in a vehicular turn-around at the other.

925 DAY CARE CENTER FOR CHILDREN. A facility in which care is provided for seven (7) or more children who are not relatives.

926 DAY CARE SERVICE FOR CHILDREN. Out-of-home care for part of a twenty-four (24) hour day to children under sixteen (16) years of age, excluding care provided by relatives. Day Care Service for children shall not include day care furnished in places of worship during religious services.

926.1 DENSITY. The number of dwelling units per acre of area.

a. Density, Gross: This is the maximum density that may be permitted in any zoning district. It is calculated by dividing the total number of dwelling units by the base site area. This density is illustrative only; net density is controlling.

b. Density, Net: This is the maximum density permitted on the buildable portion of the site, as determined in Section 472. All tracts of the land within a district may be developed to the same net density. Net density is calculated by dividing the total number of dwelling units by the Net Buildable Site Area (Section 472). This density controls actual site capacity.
DISTRICT (OR ZONING DISTRICT). A portion of the territory of Lower Milford Township within which certain uniform regulations and requirements of the various combinations thereof apply under the provisions of this Ordinance.

DWELLING. A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

DWELLING UNIT. Any structure, or part thereof, designed to be occupied as living quarters as single housekeeping unit.

DWELLING UNIT - SINGLE FAMILY. A dwelling unit on a permanent foundation designed and occupied as a residence for one family, which does not have a vertical wall in common with another dwelling.

DWELLING UNIT - TWO FAMILY. A detached building containing not more than 2 individual family or dwelling units which are entirely separated by vertical walls or horizontal floors, without doors or other openings, except for access to the outside or to a common basement.

EXTRACTION OF NATURAL RESOURCES. A lot or land or part thereof, used for the removal of sand, gravel, soil, sod, or other natural resources for sale, as an industrial operation; and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building or landscaping.

FAMILY. One or more individuals living independently as a single housekeeping unit and using cooking facilities and certain rooms in common. A FAMILY shall not be deemed to include the occupants of a college dormitory or residential club.

FENCE. A barrier intended to prevent intrusion or escape or to mark a boundary. A fence can both involve manmade structures as well as organized plantings.

FILLING STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A FILLING STATION may include accessory facilities for rendering services such as lubrication, washing and minor repairs.

FLOOD PLAIN. Areas adjoining streams, ponds, or lakes subject to the 100-year-recurrence-interval flood. The areas considered to be Flood Plain within the municipality shall include those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study for the Municipality prepared by the Federal Insurance Administration dated November 2, 1979 and the accompanying Flood Boundary and Floodway Map dated November 2, 1979.
a. Floodway: That portion of the Flood Plain including the watercourse channel and adjacent land areas which must be reserved to carry the 100-year-recurrence-interval flood without cumulatively increasing that flood elevation more than one (1) foot.

b. Flood Fringe: That portion of the Flood Plain which is outside the Floodway.

c. Approximate 100-Year Flood Plain: That portion of the Flood Plain for which no detailed flood profiles or 100 year flood elevations have been provided.

936.1 FLOOD PLAIN SOIL. Areas subject to periodic flooding and listed in the Soil Survey of Lehigh County, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, November 1963, as being "on the flood plain" or subject to "flooding." The following soil types are flood plain soils:

- Atkins Silt Loam (AW)
- Atkins Silt Loam, Local Alluvium (AXA)
- Huntington Silt Loam (Hn)
- Lindside Silt Loam (Lh)
- Melvin Silt Loam (Mh)
- Philo Silt Loam (Ph)
- Riverwash (Rv)

937 GARAGE. A building or part thereof used for the storage or parking of one or more vehicles.

938 GARAGE, PARKING. A garage for the convenience of the general public in which no servicing, repairs, washing or reconditioning of motor vehicles is carried on.

939 GARAGE, PRIVATE. An accessory garage maintained primarily for the convenience of the occupant or occupants of the main building and in which no business or other use is carried on and no service is rendered to the general public.

940 GARAGE, PUBLIC. Any garage other than a private garage or parking garage. A PUBLIC GARAGE may include servicing, repairs, washing or reconditioning of motor vehicles, and filling station facilities.

941 GROUP HOME. A facility which provides resident services to not more than six (6) individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This includes uses supervised by any Federal, State or County health/welfare agency, such as group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes.

900-66
HEARING OFFICER. A member of the Zoning Hearing Board who has been appointed by the Board to conduct a hearing.

HEIGHT OF A STRUCTURE. The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure listed in Section 413.

HELIPORT. An area of land, water or a structural surface which is designed, used or intended to be used for the landing and take-off of helicopters, and any appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling and parking.

HOME OCCUPATION OR HOME RELATED BUSINESS. An occupation conducted in a dwelling unit or an accessory structure.

HOSPITAL. A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, clinic, convalescent home, nursing home, rest home, or other building with an equivalent appellation. A hospital shall not include care and treatment of mental patients, liquor or drug addicts, except incidentally.

HOTEL. A building or part thereof which has a common entrance, common heating system, and general dining room, and which contains six (6) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

IMPERVIOUS SURFACE. Impervious surfaces are those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalk, and any areas in concrete, asphalt and stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

IMPERVIOUS SURFACE RATIO. The impervious surface ratio is a measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the base site area.

INDUSTRY, NON NUISANCE. Any industry which is not detrimental to the environment of which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards.

INDUSTRIAL PARK. A group of non-nuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, building or buildings.

JUNK. Any discarded material or article including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.
JUNKYARD. An area more than two-hundred (200) square feet in size used for the collection, storage, abandonment, dismantling, demolition, or sale of junk.

KENNEL. An establishment equipped with pens, yards, runways or other appurtenances specifically designed or intended for the breeding or boarding of dogs or other such pets with intent of producing capital gain or profit.

LAKES AND PONDS. Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. Lakes are bodies of water two (2) or more acres in extent. Ponds are bodies of water less than two (2) acres in extent. The spillway crest elevation is the basis on which the shoreline is established.

LAKE AND POND SHORELINES. The landside edges of lakes and ponds from established shoreline to an upland boundary. Lake and pond shorelines shall be measured one hundred (100) feet from the spillway crest elevation.

LAND DEVELOPMENT. Any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land, excluding for the purpose of a single family dwelling or accessory buildings thereto, for any purpose involving:

   a. 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

   b. 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.

   c. a mobile home park.

(2) A subdivision of land.
LANE LOT. A lot which does not achieve the required minimum lot width at the ultimate right-of-way line and/or the front setback line but which has direct access to a public street through a narrow strip of land which is part of the same lot. A lane lot consists of the lane (i.e. the aforementioned narrow strip of land, the side lot lines of which must be parallel or nearly parallel), which extends from a public street rearward to the line where the lane lot first achieves the applicable minimum lot width and the main lot (i.e. that portion of the lane lot exclusive of the lane).

LIVESTOCK. Domestic animals such as cattle, horses, sheep, hogs and goats raised for home use or profit.

LOT. A parcel of land held in one ownership not divided by a street. A lot, for the purpose of this Ordinance, shall also mean the total plot in single ownership whether or not it is made up of one or more contiguous parcels and whether or not such contiguous parcels were acquired at the same time or at different times. Upon the acquisition of contiguous parcels, they, together with the original parcel, shall be considered as a single lot.

LOT AREA. The area contained within the property line of lot (as shown on the Plan), excluding space within all public streets and ultimate right-of-way lines of all public streets and within all permanent drainage easements, but including the areas of all other easements.

LOT COVERAGE. The percentage of the lot area that is occupied by the area of buildings.

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

LOT, INTERIOR. A lot other than a corner lot whose sides do not abut a street.

LOT, THROUGH. An interior lot having frontage on two (2) streets.

LOT LINE. Any boundary of a lot. Any lot line not a rear lot line nor a front line shall be deemed a side lot line.

LOT LINE, FRONT. The street line at the front of a lot. On a corner lot, the owner may specify the front lot line.

LOT LINE, REAR. The lot line opposite to the front lot line.

LOT WIDTH. The distance between side lot lines measured at the ultimate right-of-way line.

MEDICAL OFFICE BUILDING. A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

MEMBERSHIP CLUB. A building structure, lot or land area used as a private club or social organization not conducted for profit or gain.

MOBILE HOME. A transportable, single family dwelling intended for permanent
occupancy, office, or place of assembly contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

973 MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes.

974 MOTEL. A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units with direct outside access, designed primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term MOTEL includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be considered to include mobile homes or travel trailers.

975 NON-CONFORMING LOT. A lot lawfully existing at the effective date of this Ordinance or any amendment thereto affecting such lot, which does not conform to the regulations of this Ordinance for the district in which it is situated.

976 NON-CONFORMING STRUCTURE. A structure or a part thereof manifestly not designed to comply with the applicable provisions in this Ordinance or amendments thereto, where such structure lawfully existing prior to the enactment of this Ordinance or amendments thereto. Such non-conforming structures include, but are not limited to, non-conforming signs.

977 NON-CONFORMING USE. A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendments thereto, where such use was lawfully in existence prior to the adoption or amendment thereto.

978 NON-PROFIT ORGANIZATION. Any organization, including a corporation, partnership, or group of individuals and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster amateur sports competition, or for the prevention of cruelty to children or animals, a civic league or organization operated exclusively for the promotion of social welfare, a labor, agricultural, or horticultural organization, a club or organization for pleasure, recreation or other non-profit purposes, a business league, chamber of commerce, real estate board, or board of trade, or volunteer fire company, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda. The organization must be exempt from Federal Income Tax or fail in such exemption because part of its activities involve the provision of athletic facilities or equipment.
OPEN SPACE. Open space is land which shall be kept open in perpetuity and shall be restricted from future development. Open space shall be permanent and inviolate. To qualify as open space, such land shall be used only for open space uses: recreation, amenity, buffer, or resource protection. Open space shall not include land occupied by non-recreational buildings or structures, roads or road rights-of-way, easements, parking lots, land reserved for future parking lots, stormwater detention basins, or the yards or lots of dwelling units.

OUTDOOR RECREATION AREA. Any area which is predominantly open space, is used principally for activity or passive recreation, and is not used for a profit-making purpose. Outdoor recreation areas shall include parks, playgrounds, picnic groves, swimming clubs, golf courses, or country clubs.

OVERLAY. A transparent sheet containing graphic matter to be superimposed on another sheet (as a map or photograph).

PARKING AREA. A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

PARKING SPACE. A stall or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area.

PLANNING COMMISSION. The Planning Commission of the Township of Lower Milford.

POULTRY. Domestic fowl such as chickens, pigeons, turkeys, ducks, and geese raised for home use or profit.

PUBLIC NOTICE. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC STREET. A street dedicated, accepted, and maintained by the Township, County, or State for public use.

RIGHT-OF-WAY. Land set aside for use as a public street or other means of travel.

RIGHT-OF-WAY ULTIMATE. The maximum boundary line of the right-of-way.

ROADSIDE STAND. An open or enclosed structure situated along the roadway for the purpose of selling farm produce grown primarily on the premises.
SANITARY SEWAGE DISPOSAL, ON-LOT. Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

SET BACK LINE. The line denoting the minimum requirements for front yard, side yard, and rear yard of a lot.

SIGN. Any device or method which visually imparts a message through the use of texts, pictures, or models, to individuals using public rights-of-way.

SIGN, ANNOUNCEMENT OR PROFESSIONAL. A sign on a residential building which directs attention to a home professional office, home occupation or professional office in such residential building.

SIGN, ADVERTISING. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property and only incidentally upon the property if at all.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted upon the property where the sign is displayed.

SITE AREA, BASE. The base site area is the area of the site remaining after subtracting land which is not contiguous, land previously subdivided, and road and utility rights-of-way from the site area.

SITE AREA, BUILDABLE. The buildable site area is the area of the site which may be altered, disturbed, or regraded for development purposes. The buildable site area could contain buildings, roads, parking areas, sewage systems, and stormwater management facilities. The buildable site area would not contain required open space, recreation areas, and natural resource protection areas.

SOLID WASTE DISPOSAL FACILITY. A solid waste disposal facility operated in accordance with Lower Milford Township Ordinance #45.

SPECIAL EXCEPTION USE. A use in one or more Districts, for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of Section 500.

STEEP SLOPES. Areas where the average slope exceeds either (8) percent which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion and flooding.

STREET. A strip of land, including the entire right-of-way (i.e. not limited to the cartway) intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes a street, avenue, boulevard, road, highway, freeway, parkway, and any other ways used or intended to be used by vehicular traffic or pedestrians.

STREET LINE. The dividing line between a lot and the future right-of-way of the abutting street.
9104  STRUCTURE. Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

9105  SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. The Lower Milford Township Subdivision Ordinance.

9106  SWIMMING POOL, NONCOMMERCIAL. Any constructed body of water or structure to contain water, pursuant to the provisions of Section 424 and any accessory equipment pertaining thereto, used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such noncommercial swimming pool shall not be operated for gain; and shall be located on a lot only as an accessory use to the dwelling or dwellings, hotel, motel, or membership club thereon.

9107  TRAVEL TRAILER. A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

9108  TRAVEL TRAILER CAMP. A lot or part thereof occupied or designed for occupancy for one or more travel trailers or travel units.

9109  TRUCK LOADING SPACE. A stall or berth which is arranged and intended for parking of one truck for the purposes of loading or unloading cargo.

9110  VARIANCE. A relief from the exact enforcement from the terms of this Ordinance granted by the Zoning Hearing Board pursuant to the provisions of Section 750 of this Ordinance on grounds of unique circumstances and hardship.

9111  WATERCOURSE. Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

9112  WETLANDS. Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

9113  WETLANDS MARGIN. The transitional area extending from the outer limit of the wetland.

900-73
WOODLANDS

One-quarter (1/4) acre or more of wooded land where the largest trees measure at least six (6) inches diameter at breast height (dbh) or 4.5 feet from the ground. The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one canopy where ten (10) or more trees measure at least ten (10) inches in diameter at breast height (dbh). Woodlands are subclassified as:

Environmentally sensitive woodlands: Woodlands within environmentally sensitive areas including flood plains, flood plain soils, steep slopes, wetlands, wetland margins, and lake or pond shorelines.

Other woodlands: Woodlands not located within environmentally sensitive areas.

YARD. An open unoccupied space on the same lot with a building situated between a front, rear, or side lot line and a line parallel thereto that passes through a point directly beneath the roofed portion of the building nearest to the front, rear, or side lot line.

YARD, FRONT. An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line and extending from side lot line to side lot line.

YARD, REAR. A space on the same lot with a building situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.

YARD, SIDE. An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

ZONING HEARING BOARD. The Lower Milford Township Hearing Board.

ZONING OFFICER. The duly constituted Township official designated to administer and enforce the provisions of this Ordinance.
ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Milford, County of Lehigh, Commonwealth of Pennsylvania, this 16th day of June, 1997.

THE TOWNSHIP OF LOWER MILFORD

By: __________________________
   Chairman, Board of Supervisors

By: __________________________
   Vice Chairman, Board of Supervisors

ATTEST:

______________________________
Secretary

900-75
ZONING DISTRICTS

AR - Agricultural - Rural
RR - Rural Residential
VC - Village Center
I - Industrial

General Flood Plain
Steep Slope
BEFORE THE BOARD OF SUPERVISORS OF
THE TOWNSHIP OF LOWER MILFORD,
LEHIGH COUNTY, PA

ORDINANCE NO. 78

AN ORDINANCE AMENDING THE LOWER MILFORD TOWNSHIP ZONING
ORDINANCE, SECTION 712, TO INCREASE THE NUMBER OF MEMBERS
OF THE ZONING HEARING BOARD FROM THREE MEMBERS TO FIVE
MEMBERS.

WHEREAS, The Township of Lower Milford enacted a Zoning
Ordinance last amended in 1997; and

WHEREAS, The Township now desires to amend this Ordinance as
it pertains to the size of the Zoning Hearing Board, and being
enabled to do so by the Pennsylvania Municipalities Planning Code,
which states that, "upon determination of the governing body," (the
Zoning Hearing Board shall) "consist of either three or five
residents of the Municipality appointed by Resolution of the
governing body."

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Zoning
Ordinance of The Township of Lower Milford, be amended as follows:

Section 712 Appointment.

The Board shall consist of five (5) members who are residents
of the Township appointed by the Supervisors. The terms of office
shall be five years and shall be so fixed that the term of office
of one member of the five member board shall expire each year. The
Board shall promptly notify the Chairman of the Board of
Supervisors of any vacancies which occur. Appointments to fill
vacancies shall be only for the unexpired portion of the term.
Members of the Board shall hold no other office in the Township.
Members of the Board appointed prior to the adoption of this
Ordinance shall, after enactment, complete the remainder of the
term for which they were appointed. After the enactment of this
Ordinance, the Board of Supervisors shall appoint, by resolution,
two additional members whose terms shall commence on the date of
appointment and shall terminate December 31, 2001 and December 31,
2002, respectively.

ORDAINED and enacted in Lower Milford Township this 20th day

ATTEST:

Joan B. Dreibelbis, Secretary

Ted Benson

Terry W. Miller

LOWER MILFORD TOWNSHIP
BOARD OF SUPERVISORS
ORDINANCE NO. 79

An Ordinance amending the Lower Milford Township Zoning Ordinance No. 75 of 1997 to regulate the placement of Wireless Communication Facilities.

Whereas, technical developments in the telecommunications field have provided new options for the expansion and delivery of communications services to the Township of Lower Milford and its residents; and

Whereas, the Lower Milford Township Board of Supervisors recognizes that the Township’s police, fire and emergency medical services and its residents and visitors rely on wireless communications services for business and personal uses; and

Whereas, the Board of Supervisors therefore desires to encourage efficient and adequate wireless communications services within the Township while at the same time, protecting the public health, safety and welfare; and

Whereas, in an effort to facilitate efficient and adequate communications services and protect the interests of its residents, the Board of Supervisors desires to regulate the construction and the placement of wireless communications facilities; and

Whereas, federal and state statutes and regulations impose certain limitations on the Township’s ability to regulate the placement and construction of wireless communications facilities; and

Whereas, it is necessary to amend the Zoning Ordinance make it consistent with the interests of the Township and its residents and the limitations imposed by federal and state statutes and regulations.

NOW THEREFORE, the Board of Supervisors ordains that the Zoning Ordinance No. 75 of 1997 shall be amended as follows:

Section 1 In Section 900, the following new definitions are hereby inserted in alphabetical order:

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or
operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: A Structure other than a Building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Buildings, excluding Communications Towers and Communications Antennas, as defined herein.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a Communications tower, including antennas or other appurtenances mounted on the tower.

Public Utility Transmission Tower: A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Section 2
In the AR District (Agricultural-Rural), the following new Permitted Use is hereby inserted:

Communications Antennas mounted on an existing Public Utility Transmission Tower, Building or other structure; and Communications Equipment Buildings.

Section 3
In the AR District (Agricultural-Rural), the following new Special Exception Use is hereby inserted:

Communications Towers subject to the Standards For Communications Towers As Special Exceptions set forth at Section 10 of this Ordinance and Communications Equipment Buildings.
Section 4

In the R-R District (Rural Residential), the following new Permitted Use is hereby inserted:

Communications Antennas mounted on an existing Public Utility Transmission Tower, Building or other Structure; and Communications Equipment Buildings.

Section 5

In the VC District (Village Center), the following new Permitted Use is hereby inserted:

Communications Antennas mounted on an existing Public Utility Transmission Tower, Building or other Structure; and Communications Equipment Buildings.

Section 6

In the I District (Industrial), the following new Permitted Use is hereby inserted:

Communications Antennas mounted on existing Public Utility Transmission Tower, Building or other Structure; and Communications Equipment Buildings.

Section 7

In the I District (Industrial), the following new Special Exception Use is hereby inserted:

Communications Towers subject to the Standards For Communications Towers As Special Exceptions set forth at Section 10 of this Ordinance and Communications Equipment Buildings.

Section 8

Section 413 (Height) is hereby amended by adding the following sentence at the end of the paragraph:

These height exceptions shall not apply to any Communications Towers.

Section 9

Section 400 (Supplementary Regulations) is hereby amended by adding the following:

Regulations Governing Communications Antennas and Communications Equipment Buildings By Permitted Use

A. Building mounted Communications Antennas shall not be located on any dwelling structure or residential accessory structure.

B. Building or other structure mounted Communications Antennas shall not be permitted to exceed thirty (30) feet in height above the building or structure and shall comply with all applicable Federal Aviation Administration,
C. Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit signed and sealed evidence from a Pennsylvania Registered Professional Engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.

D. Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Building or Structure for review by the Building Inspector for compliance with the Township’s Building Code and other applicable law.

E. Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.

F. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Documentation shall be required demonstrating compliance with radio frequency exposure limits issued by the FCC and an environmental impact statement be submitted when required.

G. Communications Antennas shall not cause radio frequency interference with other communications facilities located in Lower Milford Township.

H. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

I. Two (2) off street parking spaces shall be provided for all Communications Equipment Buildings.

J. The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

K. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Antenna; and a Certificate of
Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence, naming Lower Milford Township as an additional insured, covering the Communications Antennas.

Section 10

Section 500 (Special Exception Uses) is hereby amended to add the following:

Standards For Communications Towers As Special Exceptions

A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.

B. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Demonstration shall be required demonstrating compliance with radio frequency exposure limits issued by the FCC and an environmental impact statement be submitted when required.

C. Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Regulations.

D. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within one (1) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.

3. Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform
its intended function.

4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

5. A commercially reasonable agreement could not be reached with the owners of such Structures.

E. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty-five (25) feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

F. Lot Size: For purposes of determining whether the installation of a Communications Tower complies with district regulations, including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, and not the leased portion, located within such lot.

G. The minimum lot size requirement for the Zoning District in which an application for a Special Exception Communications Tower has been submitted, shall be provided for the Communications Tower and Communications Equipment Building. No other uses or structures are permitted on the minimum lot area.

H. A Fall Zone radius as measured from the base of the Communications Tower at ground level, shall be provided equaling 200% of the tower height. No other structures, excepting the Communications Equipment Building, shall be located within the Fall Zone.

I. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.

J. In all Zoning Districts, the maximum height of any Communications Tower shall be one hundred fifty (150) feet.

K. The base of a Communications Tower and the Communications Equipment Building shall be surrounded by an evergreen planting screen which shall attain and be maintained at a height of not less than eight (8) feet.
L. The Communications Equipment Building shall comply with the required setback and height requirements of the applicable Zoning District for an accessory structure.

M. A security fence, not less than eight (8) feet in height, shall be provided around the Communications Tower.

N. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Lower Milford Township Building Code.

O. In order to reduce the number of Communication Towers in the future, the proposed Communication Tower shall be designed to accommodate other communications users, including commercial wireless communication companies, local police, fire and ambulance companies, where technically, practically and economically feasible.

P. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount $1,000,000 per occurrence, naming Lower Milford Township as an additional insured, covering the Communications Tower and Communications Antennas.

Q. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

R. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

S. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of tower and/or landowner, shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period.

T. Two (2) off street parking spaces shall be provided within the fenced area.
Section 11  
All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 12  
SEVERABILITY  
If any portion or provision of the Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, that holding shall only affect that portion or provision of the ordinance. All other portions and provisions shall be held as valid and enforceable.

ORDAINED AND ENACTED AS AN ORDINANCE BY THE BOARD OF SUPERVISORS OF LOWER MILFORD TOWNSHIP THIS 8th DAY OF October, 1998.

ATTEST:  
Joan B. Dreibelbis, Secretary  
Ted Benson, Chairman  
Terry W. Miller, Vice-Chairman
ORDINANCE NO. 84

AN ORDINANCE AMENDING THE LOWER MILFORD TOWNSHIP ZONING ORDINANCE TO ESTABLISH A VILLAGE RESIDENTIAL ZONING DISTRICT AND INCORPORATING RELATED STANDARDS AND CRITERIA

WHEREAS, The Township of Lower Milford enacted a Zoning Ordinance last amended in 1997; and

WHEREAS, The Township now desires to amend this Ordinance to establish a VR - Village Residential Zoning District and to incorporate appropriate development standards and criteria; and

WHEREAS, The Township now desires to provide the opportunity for the development of all basic forms of housing, including a reasonable range of multifamily dwelling types in various arrangements; and

WHEREAS, the location of the VR - Village Residential Zoning District and the appropriate development standards and criteria are appropriate for a municipality that is rural in character and where the greatest land uses are agriculture and vacant land.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Zoning Ordinance of The Township of Lower Milford, be amended as follows:

Section 1. The TABLE OF CONTENTS is amended to add the following under 360 - Industrial District:

370 VR - Village Residential District

Section 2. Section 310 CLASSES OF DISTRICT is amended to add the following after "VC Village Center":

VR Village Residential

Section 3. Section 334.11 Special Exception Uses (Mobile Home Park) in the AR - Agricultural - Rural Zoning District is amended as follows:

334.11 (deleted - reserved for future use).
Section 4. Section 335 Lot Area, Width, Building Coverage and Height and Frontage on Approved Public Street Requirements is amended to revise the title to read Lot Area, Lot Width and Building Height. The column title Maximum Building Coverage of Lot is deleted along with the numerical building coverage standards shown under the column title.

Section 5. Section 345 Lot Area, Width, Building Coverage and Height and Frontage on Approved Public Street Requirements is amended to revise the title to read Lot Area, Lot Width and Building Height. The column title Maximum Building Coverage of Lot is deleted along with the numerical building coverage standards shown under the column title.

Section 6. Section 355 Lot Area, Width, Building Coverage and Height and Frontage on Approved Public Street Requirements is amended to revise the title to read Lot Area, Lot Width and Building Height. The column title Maximum Building Coverage of Lot is deleted along with the numerical building coverage standards shown under the column title.

Section 7. Section 365 Lot Area, Width, Building Coverage and Height and Frontage on Approved Public Street Requirements is amended to revise the title to read Lot Area, Lot Width and Building Height. The column title Maximum Building Coverage of Lot is deleted along with the numerical building coverage standards shown under the column title.

Section 8. Section 300 ZONING DISTRICT REGULATIONS is amended to add the following after Section 367 Land Development Plan Approval:

370 VR – VILLAGE RESIDENTIAL DISTRICT

371 Intent

This district was created to provide a suitable location for the development of a variety of housing types in the character similar to the traditional and historic villages in Lower Milford Township and other areas of Lehigh County. Such developments should be compatible with other permitted uses in the immediate area.

372 Permitted Uses

Only the following uses are permitted by right in this district:

372.1 One single-family detached dwelling or one 2-family detached dwelling per lot, other than those dwellings included in a Traditional Village Development.
372.2 Crop farming.
372.3 Traditional Village Development.
372.4 Church or other place of worship, Sunday School, parish house.

373 Accessory Uses

373.1 Private garage or private parking area, pursuant to Section 430.
373.2 Off-street parking area pursuant to the provisions of Section 430.
373.3 Signs, pursuant to the provisions of Section 440.
373.4 Home occupations, pursuant to the provisions of Section 450.
373.5 Non-commercial swimming pools, pursuant to Section 424.
373.6 Other customary accessory structures and uses, pursuant to Section 411.

374 Special Exception Uses

Applications for these uses are subject to review by the Zoning Hearing Board according to the provisions of Section 740. The uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Section 500 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Zoning Ordinance and to protect the public health, safety, morals, and the general welfare. Only the following special exception uses are permitted in this district.

374.1 Mobile Home Park pursuant to Ordinance No. 50, as amended.
374.2 Temporary dwelling for family members.
374.3 A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry.

374.4 Temporary structure or use.

375 Lot Area, Width, Height, and Frontage on Approved Public Streets Requirements

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>One 2-family detached dwelling</td>
<td>2 acres</td>
<td>200 ft.</td>
</tr>
<tr>
<td>All other permitted uses</td>
<td>1 acre</td>
<td>150 ft.</td>
</tr>
<tr>
<td>All special exception uses (unless otherwise noted)</td>
<td>1 acre</td>
<td>150 ft.</td>
</tr>
</tbody>
</table>

Traditional Village Development as specified in Section 490.

376 Minimum Yard Requirements

<table>
<thead>
<tr>
<th>Front Yard</th>
<th>Side Yards</th>
<th>Side yard with Abutting Street</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>All permitted uses</td>
<td>50 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Special exception uses (unless otherwise indicated)</td>
<td>50 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

Traditional Village Development as specified in Section 490.

377 Land Development Plan Approval

Except for the uses specified in Sections 372.1. and 372.2., all other permitted uses and special exception uses specified for this district require
prior land development plan approval pursuant to the provisions of the Lower Milford Township Subdivision and Land Development Ordinance.

Section 9. Section 421 Storage of Commercial Vehicles in the Rural Residential and Village Center Districts is amended to revise the title as follows:

Storage of Commercial Vehicles in the Rural Residential, Village Center and Village Residential Districts

Section 10. Section 431.4 PARKING AND TRUCK LOADING REQUIREMENTS is amended to revise the parking standard for “Dwelling units (single-family or two-family)” as follows:

Dwelling units 2/dwelling unit

Section 11. Section 473 Table of Performance Standards is amended as follows:

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Agricultural-Rural</strong></td>
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</tr>
<tr>
<td>Single-Family</td>
<td>0.5</td>
<td>20%</td>
</tr>
<tr>
<td>2-Family</td>
<td>0.5</td>
<td>20%</td>
</tr>
<tr>
<td>Other</td>
<td>--</td>
<td>20%</td>
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<tr>
<td><strong>Rural Residential</strong></td>
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<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>0.66</td>
<td>30%</td>
</tr>
<tr>
<td>2-Family</td>
<td>0.66</td>
<td>30%</td>
</tr>
<tr>
<td>Other</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td><strong>Village Center</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>1.0</td>
<td>30%</td>
</tr>
<tr>
<td>2-Family</td>
<td>1.0</td>
<td>30%</td>
</tr>
<tr>
<td>Other</td>
<td>--</td>
<td>30%</td>
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<tr>
<td><strong>Village Residential</strong></td>
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<td></td>
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<tr>
<td>Single-Family</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>2-Family</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>--</td>
<td></td>
</tr>
</tbody>
</table>
Traditional Village Development as specified in Section 490.

Industrial

| All Uses | 60% |

Section 12. Section 471 Natural Resource Protection Standards is amended to add subsection j. as follows:

j. Riparian Buffer: Within the AR – Agricultural-Rural Zoning District, the RR – Rural Residential District and the I – Industrial District, no land disturbance shall be permitted within any riparian buffer except as permitted below. The measurement of the riparian buffer shall extend a minimum of seventy-five (75) feet from each defined edge of a lake, pond or watercourse at bankfull flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. The buffer area will consist of two distinct protection zones.

(1) Zone 1. This buffer area will begin at the edge of the lake, pond or watercourse and occupy a margin of land with a minimum width of twenty-five (25) feet measured horizontally on a line perpendicular to the edge of water at bankfull flow or level.

Open space uses that are primarily passive in nature may be permitted in Zone 1, including:

(a) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas for public or private parklands, and reforestation;

(b) Customary agricultural practices in accordance with a soil conservation plan approved by the Lehigh County Conservation District and a nutrient management plan in accordance with State requirements, if applicable;

(c) Regulated activities permitted by the Commonwealth and Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements as approved by the Township;

(d) Vegetation management in accordance with an approved landscape or open space management plan.
Runoff to be buffered or filtered by Zone 1 will be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to sheet flow or subsurface flows prior to entering Zone 1. However, drainage improvements, such as drainage swales and out-fall improvements, from a Township approved stormwater management facility may be located in the riparian buffer area only where such encroachment is approved by the Township after no form of spreader or dissipater is determined to be feasible.

(2) Zone 2. This buffer zone will begin at the outer edge of Zone 1 and occupy a minimum width of fifty (50) feet in addition to Zone 1. However, where the width of the 100-year floodplain extends greater than seventy-five (75) feet from the edge of water at bankfull flow or level, Zone 1 shall remain a minimum of twenty-five (25) feet and Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the 100-year floodplain.

Uses permitted in this buffer area include open space uses that are primarily passive in nature including:

(a) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, passive areas for public or private parklands, recreational trails and reforestation;

(b) Customary agricultural practices in accordance with a soil conservation plan approved by the Lehigh County Conservation District;

(c) Regulated activities permitted by the Commonwealth and Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements as approved by the Township;

(d) Recreational activities or uses not involving impervious surfaces, regrading, or removal of vegetation, except as provided in subsection (4);

(e) Naturalized stormwater basins provided the entire basin is located a minimum of fifty (50) feet from the defined edge of the water at bankfull flow or level and situated outside the 100-year floodplain.
(3) Prohibited uses. Any use or activity not authorized within Subsection (1) or (2) above shall be prohibited within the Riparian Buffer. The following activities and facilities are specifically prohibited:

(a) Regrading, filling, removal of top soil.

(b) Clear cutting of trees and other vegetation in Zone 1.

(c) In Zone 2, selective cutting of trees and/or the clearing of other vegetation, except where such clearing is necessary to prepare land for a use permitted under Subsection (1) or (2) above or where removal is necessary as a means to eliminate dead, diseased or hazardous trees. Removal is subject to revegetation by native plants that are most suited to the riparian buffer areas.

(d) Storage of any hazardous or noxious materials.

(e) Roads or driveways, except as permitted as corridor crossings by the Township.

(f) Parking lots.

(g) Subsurface sewage disposal areas.

(4) Revegetation of Riparian Area. In cases where a major subdivision or land development is proposed, replanting of the riparian corridor shall be required where there is little or no existing streamside vegetation. Native vegetation approved by the Township must be used in replanting. Three layers of vegetation are required when replanting the riparian corridor. These layers include herbaceous plants that serve as ground cover, understory shrubs, and trees that form an overhead canopy. The revegetation plan shall be prepared by a qualified professional, who has specific experience in the delineation of riparian buffer areas, and shall comply with the following minimum requirements, unless modified by the Board of Supervisors upon recommendation of the Planning Commission:

(a) Ground Cover. Ground cover consisting of a native seed mix extending a minimum of twenty-five (25) feet in width from the edge of the stream bank must be provided along the portion(s) of the stream corridor where little or no riparian vegetation exists. Appropriate ground cover includes native material, exclusive of noxious weeds, as defined by the Pennsylvania State Department of Agriculture. This twenty-five (25) foot wide planted area shall be
designated on the plan as a "no mow zone" and shall be left as natural cover except in accordance with the maintenance instructions stated on the plan.

(b) Trees and Shrubs. These planting layers include native trees that form an overhead canopy and understory shrubs. Overstory trees are deciduous or evergreen trees that include oak, hickory, maple, gum, beech, sycamore, hemlock, and pine. Evergreen and deciduous shrubs should consist of elderberry, viburnum, azalea, rhododendron, holly, laurel and alders. These plants shall be planted in an informal manner clustered within Zone 1 of the riparian buffer as indicated in Subsection a. above. These plants shall be provided at a rate of at least one (1) overstory tree and three (3) shrubs for every twenty (20) linear feet of waterway.

(c) Exceptions. These planting requirements shall not apply to existing farm fields located within the riparian buffer or the farmland tract areas if farming operations are to be continued and the required State nutrient management plan is met.

(5) Floodplain Areas. In cases where the 100-year floodplain and the riparian buffer coincide or overlap, the more restrictive protection regulations shall apply.

Section 13. Section 400 SUPPLEMENTARY REGULATIONS is amended to add a new section as follows:

490 TRADITIONAL VILLAGE DEVELOPMENT

A Traditional Village Development is a form of development, subdivision or land use that permits a variety of housing types subject to performance and design standards. The performance standards require the provision of open space and limits density and impervious surfaces. The design standards require layout and improvements that are in the character with or similar to the traditional and historic villages in Lower Milford Township and other areas of Lehigh County.

491 Standards for Dwelling Types

491.1 Detached Dwelling. A single-family detached dwelling unit on an individual lot with private yards on all sides of the house. Detached dwelling units may include a dwelling unit constructed on the lot, a prefabricated dwelling, a manufactured dwelling, a modular dwelling and a mobile home.
Dimensional Requirements:

Minimum lot area: 8,000 sq. ft.
Maximum building coverage: 30%
Minimum yards:  
  front 20 ft.
  side 10 ft.
  rear 40 ft.
Minimum lot width: 60 ft.

Mobile home. If a dwelling unit is a mobile home, the following standards shall apply:

a. No more than one (1) mobile home shall be placed on a lot and shall be occupied by not more than a single family or household.

b. The area between the ground level and the perimeter of the mobile home shall be enclosed by means of suitable skirting.

c. Each mobile home shall be placed on a suitable permanent foundation.

491.2 Detached Dwelling-Off Center. A single-family detached dwelling unit on an individual lot with private yards on all sides of the house. The building shall be placed five (5) feet to one side property line and the other side yard shall not be less than fifteen (15) feet.

Dimensional Requirements:

Minimum lot area: 7,000 sq. ft.
Maximum building coverage: 30%
Minimum yards:  
  front 20 ft.
    side 5 ft., 15 ft.
    rear 35 ft.
Minimum lot width: 60 ft.

Mobile home. If a dwelling unit is a mobile home, the standards for mobile homes in Section 491.1. shall apply.

Design Requirements:

A fence, wall or hedge shall be placed in the wider side yard, placed parallel to the street, and extending from the dwelling unit to the side property line. The fence, wall or hedge may be broken by a walkway, not exceeding five (5) feet in width, or a driveway to parking areas in the side
or rear of the lot. The driveway shall be no wider than twelve (12) feet. A fence or wall shall be of permanent construction and shall be three (3) to four (4) feet in height. Hedge material shall be planted on three (3) foot centers. The hedge material shall be at least three (3) feet high.

491.3 Village House. A single-family detached dwelling unit on an individual lot with private yards on all sides of the house. The Village House differs from other forms of detached housing in the lot size, placement of the house on the lot, and frontage treatments. It is similar to houses found in historic villages and towns. The house is placed close to the street and is additionally distinguished by plantings and architectural treatments.

Dimensional Requirements:

Minimum lot area: 5,000 sq. ft. (3 bedrooms or less) 5,500 sq. ft. (4 bedrooms or more)

Maximum building coverage: 40%

Minimum yards: front 15 ft.  
side 5 ft.  
rear 30 ft.

Minimum lot width: 60 ft.

Mobile home. If a dwelling unit is a mobile home, the standards for mobile homes in Section 491.1 shall apply.

Design Requirements:

At least eighty (80) percent of the Village Houses shall be provided with an unenclosed porch, running across at least ¾ of the house front. The porch shall be at least seven (7) feet in depth.

Each Village House shall meet at least one (1) of the following frontage requirements:

1. The front yard shall be raised above the sidewalk grade by at least thirty (30) inches and provided with a retaining wall at the sidewalk lines.

2. The front yard shall be enclosed by a wall or fence of permanent construction and shall be four (4) to six (6) feet in height.

3. The front yard shall be enclosed by a hedge. The hedge material shall be planted on three (3) foot centers. The hedge material shall be at least three (3) feet high.
491.4 Twin Dwellings. A semi-detached dwelling unit characterized by one (1) roof and one (1) wall in common with another dwelling unit, and with a maximum of two (2) twin units per residential building.

Dimensional Requirements:

- Minimum lot area per single dwelling unit: 4,000 sq. ft. (3 bedrooms or less) and 4,200 sq. ft. (4 bedrooms or more)
- Maximum building coverage: 40%
- Minimum yards: front 20 ft. side 10 ft. rear 20 ft.
- Minimum lot width: 40 ft.

491.5 Duplex Dwelling. A semi-detached dwelling unit with one (1) dwelling unit located above the other, but having no more than two (2) dwelling units per residential building. The dwelling units shall share a common lot area which is the sum of the required lot areas of both dwelling units in the building.

Dimensional Requirements:

- Minimum lot area per building: 6,000 sq. ft.
- Maximum building coverage: 40%
- Minimum yards: front 20 ft. side 10 ft. rear 20 ft.
- Minimum lot width: 60 ft.

491.6 Multiplex Dwellings. An attached dwelling unit which may be arranged in a variety of configurations, including side by side, back to back, vertically or a combination of arrangements. The essential feature is the limited number of units attached. No more than five (5) dwelling units shall be attached in any multiplex dwelling building, and multiplex dwelling buildings shall each average four (4) dwelling units or less.

Dimensional Requirements:

- Minimum lot area per Multiplex Dwelling Building: 8,000 sq. ft.
- Maximum building coverage: 50%
Minimum yards:  
- front 25 ft.
- side 10 ft.
- rear 20 ft.

Minimum lot width: 60 ft.
Minimum spacing between buildings: 24 ft.
Minimum setback from parking areas: 10 ft.

491.7 Weak-Link Townhouse. An attached dwelling unit, having individual outside access, with one (1) dwelling unit from ground to roof. Each dwelling unit shall consist of a one-story portion and a two-story portion, with the one-story portion located along the required lot frontage. A row of weak-link townhouse units shall not exceed five (5) dwelling units.

Dimensional Requirements:

Minimum lot area for each: 2,800 sq. ft. (3 bedrooms or less)
- Weak-link Townhouse Unit: 3,200 sq. ft. (4 bedrooms or more)

Maximum building coverage: 60%

Minimum yards:
- 2 or 3-story portion:
  - front 20 ft.
  - side 10 ft. end unit
  - rear 20 ft.

- 1-story portion:
  - front 28 ft.
  - side 10 ft. end unit
  - rear 20 ft.

Minimum Weak-Link Townhouse Unit lot width: 30 ft.

Minimum building width:
- 1-story portion: 10 ft.

Minimum spacing between buildings: 28 ft.
Minimum setback from parking areas: 10 ft.

491.8 Townhouse. An attached dwelling unit, having individual outside access, with one (1) dwelling unit from ground to roof. A row of attached Townhouse units shall not exceed six (6) dwelling units.

Dimensional Requirements:

Minimum lot area: 2,000 sq. ft. (3 bedrooms or less)
- Maximum Townhouse multi-
unit building coverage: 60%
Minimum yards: front 20 ft.
side 10 ft. end unit
rear 20 ft.
Minimum lot width: 22 ft.
Minimum spacing between buildings: 28 ft.
Minimum setback from parking areas: 10 ft.

491.9 Apartment. A dwelling unit commonly identified as multi-family residential building. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building. Apartment buildings shall contain four (4) or more dwelling units, or apartments, in a single structure. The maximum number of apartments per building is twelve (12).

Dimensional Requirements:

Minimum lot area per apartment unit: 1,200 sq. ft. efficiency
1,600 sq. ft. 1-bedroom
2,000 sq. ft. 2-bedrooms
2,200 sq. ft. 3-bedrooms or more
Maximum apartment building coverage: 50%
Minimum yards: front 30 ft.
side 15 ft.
rear 35 ft.
Minimum lot width: 60 ft.
Minimum spacing between buildings: 40 ft.
Minimum setback from parking areas: 10 ft.

491.10 Maximum Height. The maximum height for any residential building shall be thirty-five (35) feet and three (3) stories.

492 Performance Standards

Minimum Site Area: 5.0 acres
Maximum New Density: 4.0 dwelling units per acre
See Section 472 for the calculation of the permitted number of dwelling units.
Minimum Open Space: 25 percent
See Section 472 for the calculation of the required open space.
five (5) years prior to an application for subdivision, land development or a zoning permit.

Section 16. **Zoning Map.** The zoning map is amended to include the VR Village Residential Zoning District as depicted on the accompanying Exhibit A.

Section 17. **Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 18. **Severability.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Milford Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 19. **Effective Date.** This Ordinance shall become effective five (5) days after its adoption.

ENACTED this 14th day of August, 2000.

LOWER MILFORD TOWNSHIP
BOARD OF SUPERVISORS

Ted Benson, Chairman

Terry W. Miller, Vice-Chairman

ATTEST:

Joan B. Dreibelbis, Secretary
ORDINANCE NO. 89

AN ORDINANCE AMENDING THE LOWER MILFORD TOWNSHIP ZONING ORDINANCE TO REVISE, CLARIFY AND EXPAND PROVISIONS RELATED TO NONRESIDENTIAL USES AND INCORPORATING RELATED STANDARDS AND CRITERIA

WHEREAS, The Township of Lower Milford enacted a Zoning Ordinance, Ordinance Number 75, as amended; and

WHEREAS, The Township now desires to amend this Ordinance to revise, clarify and expand the provisions for nonresidential uses; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Zoning Ordinance of The Township of Lower Milford, be amended as follows:

Section 1.  Section 332 Permitted Uses in the AR - AGRICULTURAL RURAL DISTRICT is amended to add the following subsections:

332.13 Animal rescue shelter or wildlife rehabilitation center provided that any shelter building or structure shall be located at least one hundred fifty (150) feet from any lot line, seventy-five (75) feet from any street line, and five hundred (500) feet from all existing dwellings except any dwelling located on the same property. Such use shall be located on a parcel of at least ten (10) acres.

332.14 Vineyard and winery including facilities for the processing of grapes and the production of wine. Such use may include a building, of not more than three thousand (3,000) square feet of floor area, for wine tasting, demonstrations and education, and the retail sales of wine and related products.

Section 2.  Section 334 Special Exception Uses in the AR - AGRICULTURAL RURAL DISTRICT is amended to add the following subsections:

334.17 Recreational camping park established and maintained for temporary occupancy for recreation and vacation purposes.

334.18 Residential – Golf Course Community.

334.19 Golf Course.
Section 3. Section 352.16 Business Center Development is amended as follows:

352.16 Business Center Development, provided no building or structure, attached or detached, shall be larger than ten thousand (10,000) square feet in floor area.

Section 4. Section 352 Permitted Uses in the VC - VILLAGE CENTER DISTRICT is amended to add the following subsections:

352.17 Office center.
352.18 Commercial school including a trade, professional, music, dance or similar schools.
352.19 Library, museum, post office, and similar establishment.
352.21 Indoor athletic club.
352.22 Conversion of an existing building into two (2), but not more than four (4) dwelling units.

Section 5. Section 353 Accessory Uses in the VC - VILLAGE CENTER DISTRICT is amended to add the following:

353.7 One (1) apartment dwelling unit accessory to a primary or principal commercial, office or other permitted nonresidential use.

Section 6. Section 354.4 Special Exception Uses in the VC - VILLAGE CENTER DISTRICT is amended as follows:

354.4 Day care centers for children or older and disabled adults.

Section 7. Section 354 Special Exception Uses in the VC District is amended to add the following use:

354.11 Combined convenience commercial (CCC).
354.12 Community center.
354.13 Indoor entertainment facility including an indoor facility such as a bowling alley, skating rink, pool hall, movie theater, video gaming/pinball arcade or other similar use.
354.14 Outdoor recreation and/or entertainment.
354.15 Flea market.
354.16 Auction house.

Section 8. Section 350 VC - VILLAGE CENTER DISTRICT is amended to add the following subsection:

358 General Regulations

No building or structure, attached or detached, shall be larger than ten thousand (10,000) square feet in floor area.

Section 9. Section 362. Permitted Uses in the I - INDUSTRIAL DISTRICT is amended to add the following uses:

362.8 Retail store or use when such use is larger than ten thousand (10,000) square feet in floor area.
362.9 Mini storage or mini warehouse use.
362.10 Truck and farm equipment sales.
362.11 Planing mill where wood products are processed to finished items.
362.12 Radio or television transmitter.

Section 10. Section 362.2. Permitted Uses in the I - INDUSTRIAL DISTRICT is amended to delete the term “Non-nuisance.”

Section 11. Section 364. Special Exception Uses in the I - INDUSTRIAL DISTRICT is amended to add the following uses:

364.4 Truck terminal.
364.5 Fuel storage and distribution use on lots which are five (5) acres or larger in area.
364.6 Recycling and refuse facility on lots which are five (5) acres or larger in area.
Section 12. Section 374 Special Exception Uses in the VR - VILLAGE RESIDENTIAL DISTRICT is amended to add the following subsection:

374.5 Assisted Care Facility.

Section 13. Section 411 Placement of Accessory Uses and Structures is amended to add the following subsections:

411.9 Any use or structure accessory to a use permitted as a special exception shall be established only as a special exception.

411.10 Outside storage for a nonresidential use, other than storage as a primary or principal use of the land, necessary and incidental to the normal operation of a primary or principal use, subject to the following provisions:

(a) No part of the street right-of-way, no sidewalk or other areas intended or designed for pedestrian use, no required parking area, and no minimum required yard area shall be used for outdoor storage.

(b) No more than twenty-five (25) percent of the lot area shall be used for outdoor storage.

(c) Outdoor storage areas shall be shielded from view from public streets. A planted buffer shall be provide along any property boundary adjoining an existing residential use or land zoned for residential uses.

Section 14. Section 451.8 HOME OCCUPATION OR HOME RELATED BUSINESS is amended to add the following subsections to the existing provisions:

(a) In the VC District, a home related business may include a retail use or a bed and breakfast use. A bed and breakfast use shall be permitted only in a single-family detached residential building, and shall be limited to not more than four (4) guest rooms.

(b) In the AR District, a bed and breakfast use shall be permitted only in a single-family detached residential building, and shall be limited to not more than six (6) guest rooms.

Section 15. Section 471.a. Natural Resource Protection Standards - Flood Plain is amended as follows:
a. Flood Plain: Areas identified as within the flood plain of the one hundred year recurrence interval flood shall not be altered, regraded, filled or built upon except in conformance with Ordinance No. 86 the Lower Milford Township Flood Plain Zoning Ordinance, as amended, which is incorporated herein by reference. For areas designated as “Approximate 100 Year Flood Plain” along streams and watercourses where the one hundred year flood plain (with a floodway and flood fringe) has not been delineated, the requirements of the Flood Plain Soils shall be met.

Section 16. Section 492 Performance Standards is amended to change the phrase “Maximum New Density” to “Maximum Net Density.”

Section 17. Section 400 SUPPLEMENTARY REGULATIONS is amended to add the following subsections:

490.A. Lawful Use Not Otherwise Specified in This Ordinance.

490.A.1 It is the intent of this Ordinance to provide for all lawful uses which are required to be permitted under Pennsylvania law and which may not otherwise be specified in this Ordinance.

490.A.2 Since it is not possible to provide standards for every conceivable use within this Ordinance, any use not listed, unless prohibited as stipulated herein, shall be permitted as a special exception and subject to the following provisions. Such other residential uses shall be permitted only in the VR – Village Residential District, such other institutional, office and commercial uses shall be permitted only in the VC – Village Center District, and all such other uses shall be permitted only in the I – Industrial District.

490.A.3 The applicant for special exception shall demonstrate that the use proposed is not incorporated under any use specified in this Ordinance.

490.A.4 The use must comply with all area and dimensional requirements for the applicable district as noted in Section 490.A.2 above.

490.A.5 The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmental Protection and any other
Commonwealth or Federal Agency which regulates such use.

490.A.6 The applicant shall established a buffer yard and screening material, as specified by the Zoning Hearing Board as a condition of approval.

490.B. PREEMPTION

The provisions of this Ordinance shall apply except to the extent that those regulations have been superseded and preempted by specific provisions of those Laws of the Commonwealth specified in Section 603.(b) of the Pennsylvania Municipalities Planning Code.

Section 18. Section 523 Extraction of Natural Resources is amended to add the following subsections:

523.12 Bituminous asphalt and ready-mix concrete uses may be provided as accessory to the primary or principal quarry use.

Section 19. Section 530 Day Care Center for Children is amended to change the title as follows:

530 Day Care Centers for Children or Older and Disabled Adults

Section 20. Section 536 Group Home is amended to add the following subsection:

536.9 Notwithstanding anything herein contained, a dwelling may be occupied by any number of persons who are physically or mentally handicapped as defined by the Fair Housing Amendments Act provided that such persons live in a common household with single cooking and dining facilities, and live together in the functional equivalent of a family.

Section 21. Section 500 SPECIAL EXCEPTION USES is amended to add the following subsection:

538 Combined Convenience Commercial (CCC).

The applicant shall address the following matters to the satisfaction of the Zoning Hearing Board:

538.1 In a combined commercial use, a retail store, services business, financial establishment, restaurant or other place
serving food and beverage (other than a tavern), filling station, and car-wash may be permitted.

538.2 Drive-up windows shall have a stacking lane for at least six (6) vehicles and shall be separated from other vehicular circulation lanes.

538.3 Speaker boxes shall be designed so that they are not audible from any adjacent residential property. Speaker boxes shall not be used between 10:00 p.m. and 7 a.m. if the site adjoins a property zoned for or used for residential purposes.

538.4 Evaluate the need for buffering improvements to protect adjoining properties and setbacks from property lines.

539 Recreational Camping Park.

The applicant shall address the following matters to the satisfaction of the Zoning Hearing Board:

539.1 No campground building or campsite shall be less than two hundred (200) feet from a public road, less than one hundred (100) feet from a property line, or less than five hundred (500) feet from all existing dwellings other than any dwelling located on the same property.

539.2 The minimum lot size shall be ten (10) acres.

539.3 There shall be no more than three (3) campsites per acre.

539.4 Evaluate the need for buffering improvements and setbacks from property lines.

539.5 Evaluate the adequacy of sewer service or on-site septic facilities and compliance with the Township’s sewage facilities plan.

539.6 Evaluate the adequacy of water supply.

539.7 Evaluate measures to abate noise which would impact adjoining properties and constitute a public nuisance.

539.8 Evaluate measures to ensure the safety of the public and neighbors.
Provide an environmental impact study that addresses the standards and provisions of Section 470 PROTECTION OF NATURAL RESOURCES.

Assisted Care Facility.

The applicant shall demonstrate how the assisted care facility shall comply with the following standards:

540.1 Dwelling types shall comply with the provisions of Section 491 Standards for Dwelling Types.

540.2 An assisted care facility shall comply with the provisions of Section 492 Performance Standards, except that the maximum net density shall be 6.0 dwelling units per acre.

540.3 An assisted care facility shall comply with the provisions of Section 493 Design Standards.

540.4 Parking Standards: 0.85 off-street parking space per dwelling unit plus one (1) off-street parking space for each employee on the largest shift.

540.5 Congregate dining, food service, and indoor recreational facilities shall be provided.

540.6 Transportation shall be provided between the assisted care facility and uses in the Township or the surrounding area including retail, post office, medical services, library, beauty parlor and barber shop, places of worship, banks, and similar facilities to serve the needs of the residents.

540.7 At least twenty-five (25) percent of the base site area shall be provided in open space. In addition to the requirements of Section 493.7, outdoor recreation improvements, which are suitable for the residents of the assisted care facility, shall be provide within the open space area.

540.8 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

540.9 Evaluate the adequacy of water supply.
Residential – Golf Course Community.

The applicant shall demonstrate how the Residential – Golf Course Community shall comply with the following standards:

541.1 The minimum site area shall be one hundred (100) acres.

541.2 The maximum net density for the residential development shall be one-half (0.5) dwelling units per acre based on the overall site area.

541.3 Residential dwelling units shall meet the following standards:

Detached Dwelling. A single-family detached dwelling unit on an individual lot with private yards on all sides of the house.

Area and Dimensional Requirements:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area:</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum building coverage:</td>
<td>30%</td>
</tr>
<tr>
<td>Minimum yards:</td>
<td></td>
</tr>
<tr>
<td>front</td>
<td>20 ft.</td>
</tr>
<tr>
<td>side</td>
<td>10 ft.</td>
</tr>
<tr>
<td>rear</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Minimum lot width:</td>
<td>60 ft.</td>
</tr>
</tbody>
</table>

No residential lot shall be closer than seventy-five (75) feet to the property boundary.

541.4 No less than seventy (70) percent of the site area shall be included in open space. Open space may include the golf course, the fairways, tees, greens, driving range, stormwater management facilities and areas for the land application of treated effluent. Open space shall not include the residential lots, the area of the club house, other recreation or maintenance facilities, parking lots, and roads.

541.5 A golf course may include an accessory club house, retail pro shop, restaurant, other recreation activities, administrative offices and other directly related uses, provided they are clearly subordinate to the golf course. The area of the golf course site devoted to these accessory uses...
and the parking area for the golf course shall not exceed five (5) percent of the total site area.

541.6  A golf course shall not include a miniature golf course.

541.7  No building, other than a residential dwelling unit, shall be closer than one hundred (100) feet to any property line.

541.8  No green or tee area shall be closer than fifty (50) feet to any property line.

541.9  The land development plan shall specify all uses to be included as part of the golf course land development. Any addition or change in the uses will constitute a revised land development plan which requires review and action of the Board of Supervisors under the provisions of the Subdivision and Land Development Ordinance.

541.10 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

541.11 Evaluate the adequacy of water supply.

542  Golf Course.

The applicant shall demonstrate how the Residential – Golf Course Community shall comply with the following standards:

542.1  A golf course may include a driving range, club house, retail pro shop, restaurant, other recreation activities, administrative offices and other directly related uses, provided they are clearly subordinate to the golf course. The area of the golf course site devoted to these accessory uses and the parking area for the golf course shall not exceed five (5) percent of the total site area. The applicant shall identify the uses and activities that are proposed to be associated with the golf course.

542.2  A golf course shall not include a miniature golf course.

542.3  No building shall be closer than one hundred (100) feet to any property line.
542.4 No green or tee area shall be closer than fifty (50) feet to any property line.

542.5 The land development plan shall specify all uses to be included as part of the golf course land development. Any addition or change in the uses will constitute a revised land development plan, which requires review and action of the Board of Supervisors under the provisions of the Subdivision and Land Development Ordinance.

542.6 Provide a transportation impact statement.

542.7 Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

542.8 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

542.9 Evaluate the adequacy of water supply.

543 Community Center.

The applicant shall address the following criteria and demonstrate how the community center shall comply with the following standards:

543.1 Specify the types of uses, activities, operations, structures and accessory uses that will be located or take place at the facility.

543.2 Provide a transportation impact statement.

543.3 Address the adequacy of access and parking improvements.

543.4 Address the adequacy of stormwater management improvements.

543.5 Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

543.6 Address the need for buffering improvements and setbacks from property lines.
Evaluate the adequacy of sewer service and compliance with the Township’s sewage facilities plan.

Evaluate the adequacy of water supply.

Indoor Entertainment.

The applicant shall address the following criteria and demonstrate how the indoor entertainment facility shall comply with the following standards:

Specify the types of uses, activities, operations, structures and accessory uses that will be located or take place at the facility.

Provide a transportation impact statement.

Address the adequacy of access and parking improvements.

Address the adequacy of stormwater management improvements.

Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

Address the need for buffering improvements and setbacks from property lines.

Evaluate the adequacy of sewer service and compliance with the Township’s sewage facilities plan.

Evaluate the adequacy of water supply.

Outdoor Recreation and/or Entertainment.

The applicant shall address the following criteria and demonstrate how the outdoor facilities shall comply with the following standards:

Specify the types of uses, activities, operations, structures and accessory uses that will be located or take place at the facility.

Provide a transportation impact statement.
545.3 Address the adequacy of access and parking improvements.

545.4 Address the adequacy of stormwater management improvements.

545.5 Address the hours of operation, noise, and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

545.6 Address the need for buffering improvements and setbacks from property lines.

545.7 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

545.8 Evaluate the adequacy of water supply.

545.9 Provide an environmental impact study that addresses the standards and provisions of Section 470 PROTECTION OF NATURAL RESOURCES.

545.10 Evaluate measures to abate noise, which would impact adjoining properties and constitute a public nuisance.

545.11 Evaluate measures to ensure the safety of the public and neighbors.

546 Flea Market.

The applicant shall address the following criteria and demonstrate how the flea market shall comply with the following standards:

546.1 Specify the types of goods to be sold. The Zoning Hearing Board may include conditions that would exclude the sale of hazardous items.

546.2 Demonstrate the method of storage and disposal of animal waste, if applicable.

546.3 Provide a transportation impact statement.

546.4 Address the adequacy of access and parking improvements.
546.5 Address the adequacy of stormwater management improvements.

546.6 Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

546.7 Address the need for buffering improvements and setbacks from property lines.

546.8 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

546.9 Evaluate the adequacy of water supply.

546.10 Provide a site plan with the layout and location of booths, stalls, or areas for the sale of goods. No booth, stall or area for the sale of goods shall be located within seventy-five (75) feet of the property boundary.

547 Auction House.

The applicant shall address the following criteria and demonstrate how the auction house shall comply with the following standards:

547.1 Specify the types of goods to be sold at the auction.

547.2 Demonstrate the method of storage and disposal of animal waste for animal auctions.

547.3 Provide a transportation impact statement.

547.4 Address the adequacy of access and parking improvements.

547.5 Address the adequacy of stormwater management improvements.

547.6 Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

547.7 Address the need for buffering improvements and setbacks from property lines.
547.8 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

547.9 Evaluate the adequacy of water supply.

548 Truck Terminal.

The applicant shall address the following criteria and demonstrate how the truck terminal shall comply with the following standards:

548.1 Specify the types of uses, activities, operations, structures, and accessory uses that will be located or take place on the property. Truck repair facilities shall be identified.

548.2 Provide a transportation impact statement.

548.3 Address the adequacy of access and parking improvements.

548.4 Address the adequacy of stormwater management improvements.

548.5 Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

548.6 Address the need for buffering improvements and setbacks from property lines.

548.7 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

548.8 Evaluate the adequacy of water supply.

548.9 Provide a site plan that designates the location of all buildings and their uses, and all areas for the storage of waste, other materials, and equipment.

548.10 Provide a plan for containing fuel spills and other emergencies. Any hazardous, explosive, or flammable materials that would be stored or used at the facility should be identified.
548.11 Provide an environmental impact study that addresses the standards and provisions of Section 470 PROTECTION OF NATURAL RESOURCES.

549 Fuel Storage and Distribution.

The applicant shall address the following criteria and demonstrate how the fuel storage and distribution use shall comply with the following standards:

549.1 Specify the types of uses, activities, operations, structures and accessory uses that will be located or take place on the property.

549.2 Provide a transportation impact statement.

549.3 Address the adequacy of access and parking improvements.

549.4 Address the adequacy of stormwater management improvements.

549.5 Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

549.6 Address the need for buffering improvements and setbacks from property lines.

549.7 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

549.8 Evaluate the adequacy of water supply.

549.9 Provide a site plan that designates the location of all buildings and their uses, and all areas for the storage of waste, other materials, and equipment.

549.10 Provide a plan for containing fuel spills and other emergencies. Any hazardous, explosive, or flammable materials that would be stored or used at the facility should be identified.
Provide an environmental impact study that addresses the standards and provisions of Section 470 PROTECTION OF NATURAL RESOURCES.

Recycling and Refuse Facility.

The applicant shall address the following criteria and demonstrate how the recycling and refuse facility shall comply with the following standards:

550.1 Specify the types of uses, activities, operations, structures, and accessory uses that will be located or take place on the property. Identify any hazardous or infectious waste that would be handled at the facility.

550.2 Provide a transportation impact statement.

550.3 Address the adequacy of access and parking improvements.

550.4 Address the adequacy of stormwater management improvements.

550.5 Address the hours of operation and lighting improvements to determine if there would be impacts on the neighboring properties and the general area.

550.6 Address the need for buffering improvements and setbacks from property lines.

550.7 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

550.8 Evaluate the adequacy of water supply.

550.9 Provide a site plan that designates the location of all buildings and their uses, and all areas for the storage of refuse, materials, and equipment.

550.10 Provide a plan for containing fire and other emergencies.

550.11 Explain measures to ensure the safety of the public and neighbors.
550.12 Provide an environmental impact study that addresses the standards and provisions of Section 470 PROTECTION OF NATURAL RESOURCES.

551 Lawful Use Not Otherwise Specified in This Ordinance

The applicant shall address the provisions of Section 490.A. and the following matters:

551.1 Evaluate the adequacy of sewer service and compliance with the Township's sewage facilities plan.

551.2 Evaluate the adequacy of water supply.

551.3 Provide a site plan that designates the location of all buildings and their uses.

551.4 Provide an environmental impact study that addresses the standards and provisions of Section 470 PROTECTION OF NATURAL RESOURCES.

551.5 Address the need for buffering improvements and setbacks from property lines.

Section 22. Section 700 ZONING HEARING BOARD is amended to add the following section:

770 FLOOD PLAIN ZONING ORDINANCE

Refer to Ordinance No. 86 the Lower Milford Township Flood Plain Zoning Ordinance, as amended, for procedures related to variances and special exceptions for uses and activities within flood plain areas.

Section 23. Section 900 DEFINITIONS is amended to add the following subsections:

911.A. ASSISTED CARE FACILITY. An assisted care facility is a form of residential use designed and operated for individuals who require certain limited (not including skilled, fulltime care) support facilities. A variety of dwelling types are permitted in conjunction with certain congregate and support services and facilities.

911.C. BED AND BREAKFAST. An accessory residential use, located within a permitted single-family detached residential building, for the accommodation of transient, over-night guests for a fee.
936.A. FORESTRY. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Forestry shall be permitted as a use by right in all zoning districts under the provisions of Sections 107 and 603(f) of the Pennsylvania Municipalities Planning Code.

978.A. OFFICE CENTER. An office center is a planned development of office and related uses, which includes improvements for internal streets, coordinated utilities, landscaping and buffering. Individual uses may be located in detached or attached structures.

Section 24. Section 911.A. BANKFULL FLOW OR LEVEL is amended to change the section number to 911.B.

Section 25. Section 918 BUSINESS CENTER DEVELOPMENT is amended as follows:

918 BUSINESS CENTER DEVELOPMENT (Shopping Center). A tract of land, buildings, or structures planned as a whole, and intended for one or more establishments for commercial retail, office, and related purposes on a site, whether built at one time as a unit, or in two or more construction stages.

Section 26. Section 950 INDUSTRY, NON NUISANCE, is amended as follows:

950 INDUSTRY, NON NUISANCE. Any industry which is not detrimental to the environment of which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of the lot, or by reason of generating excessive traffic with attendant hazards. Among other uses, non nuisance industry may include:

950.1 Contracting uses such as offices and supply shops for uses related to building supplies, cement, electric, heating, plumbing, masonry, painting, roofing, and similar trades.

Section 27. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 28. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Milford Township, that this Ordinance would
have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 29. **Effective Date.** This Ordinance shall become effective five (5) days after its adoption.

ENACTED this 19th day of June, 2003.

LOWER MILFORD TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Richard D. Harris, Chairman

Christopher G. Nowak, Vice-Chairman

Joan B. Dreibelbis, Secretary
Exhibit A
Amendments to the Lower Milford Township Zoning Ordinance

Reclassification of Parcel L10-9-13 from VC Village Center District and RR Rural Residential District to VR Village Residential District