

Upper Milford Township Zoning Ordinance

Lehigh County, Pennsylvania

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

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

Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

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

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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

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

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

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

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

Upper Milford Township Zoning Ordinance – Adopted March 18, 2010

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

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

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

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

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

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

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

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

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

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

Animal Husbandry, Intensive.

Commercial District. The C and VC Districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Farm. A lot used for the raising of agricultural or dairy products and/or the raising of livestock or poultry for commercial purposes. This term may include one dwelling unit, buildings used for the agricultural activities and the storage of equipment used for the agricultural activities.

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

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

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

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

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

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

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

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

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

310. **RESERVED.**

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

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

B. Additional Requirements.

1. Animal Hospital

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

2. Animal Husbandry

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

3. Auditorium

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

11. Commercial Outdoor Recreation
 - a. No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - b. No lighting shall be permitted which will shine on adjacent property.

12. Commercial Stable or Riding Academy
 - a. The use shall be conducted on a lot no smaller than 10 acres in size.
 - b. No new barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 500 feet from all dwellings except the dwelling of the owner or lessee, or from all Residential District boundaries.
 - c. No additions to existing barns, animal shelters, stables, feed yards, or manure storage areas will be located closer than 150 feet from all property lines, Residential District boundaries, and dwellings except the dwelling of the owner or lessee.

13. Community / Cultural Center. No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.

14. Emergency Services Station. Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.

15. Financial Establishment. Any drive-in window(s) shall be located, along with attendant lane(s) for vehicles, to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the financial establishment.

16. Forestry. It is the intent of this Section to reasonably regulate Forestry, and to allow for and encourage proper forest management. It is furthermore not the intent of this section to regulate or prohibit the routine clearing of "fence line rows" as they relate to normal agricultural practice.
 - a. The provisions of this section shall not apply to:
 - i. The cutting of any trees which are diseased, infected, damaged or dead;
 - ii. The cutting of up to 10 trees per lot in any calendar year, but not exceeding 30 percent of the total basal area.
 - b. Forestry shall be permitted subject to the following requirements:
 - (i) The owner(s) of the property, or agent thereof, shall submit to the Zoning Officer, at the time of application, a Pennsylvania Bureau of Forestry Approved Forestry Plan prepared or reviewed by a Pennsylvania Bureau of Forestry approved professional forester or forest technician. The plan shall conform to industry standards with proposed stand prescription, property lines in the area to be cut, sediment and erosion control plans, and a letter of adequacy from the Lehigh County Conservation District.
 - c. It shall be the joint responsibility of the owner(s) of the property and the entity conducting the Forestry operation to comply with the following additional requirements:
 - i. All cutting, removing, skidding and transportation of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.
 - ii. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.

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

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

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

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

17. Golf Course

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

18. Group Home

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

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

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

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

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

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

42. Slaughter House

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

43. Solid Waste Disposal Area/Facility

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

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

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

AKS
12/20/1/Seasonal

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

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

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

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

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

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

7. Heliport.

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

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

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

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

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

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

- Farm to
Township
Front

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

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

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

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

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

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

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

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

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