

Milford Township Subdivision and Land Development Ordinance

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Article VII - Other Land Developments

§ 100-36. Nonresidential Subdivisions and Land Developments.

- A. Application and Procedure. All commercial, industrial and other non-residential land developments shall comply fully with the provisions of the Milford Township Zoning Ordinance. They shall also comply fully with the procedures set forth in Article III of this Chapter, "Plan Submission and Review Requirements," regardless whether or not any actual conveyance of land by metes and bounds or other means is involved. Plans for any new or expanded commercial, industrial or other non-residential developments shall be prepared and submitted for review and approval in the same manner as plans for subdivisions.
- B. Private Streets, Drives, Parking Areas and Sidewalks.
- (1) Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should they create hazards for adjacent residential areas.
 - (2) The design of streets, service drives, and pedestrian ways, should provide for safe and hazard-free internal circulation, including provision for fire lanes where appropriate.
 - (3) The points of ingress and egress shall be designed so as not to require commercial or industrial traffic to pass through residential areas.
 - (4) The private street, driveways, drives, parking areas, sidewalks and other means of pedestrian and vehicle access for the public shall be paved pursuant to the standards hereinafter set forth. These standards shall apply to all new commercial uses, industrial uses or conversions of non-commercial uses to commercial uses to which the public will be provided access. Areas of access for vehicles and pedestrians which will not be open to the public, such as employee parking and delivery truck unloading/loading areas, may upon approval by the Township, be exempt from the paving requirement.

Milford Township Subdivision and Land Development Ordinance

- (5) These forgoing provisions shall not apply to No Impact Home-based Businesses and Home Occupations.
 - (6) The minimum paving standards are as follows:
 - (a) Pedestrian walks serving as an accessible route shall comply with all ANSI Standards. Other pedestrian routes shall be constructed on an all weather surface consisting of either 2 inches of asphalt wearing course, 4 inches of reinforced concrete, or other acceptable surfaces (i.e. pavers, etc.)
 - (b) Vehicular access and parking areas shall be constructed to the following minimum standards:
 - [1] 8 inches subbase, Number 2A compacted to 95% density (modified proctor),
 - [2] 2 ½ inches binder course, and
 - [3] 1 ½ inches wearing course
 - (c) Access drives and parking areas shall be curbed or shall provide other acceptable means to convey stormwater to collection devices.
- C. Plan Review Standards. Plans shall be prepared to address specific site conditions and, more particularly, the site requirements of Section 100-23 of this Ordinance, delivering the best possible service to customers in terms of traffic circulation, parking and pickup and delivery services, while also protecting the public health, safety and general welfare. Parking and access shall conform to the requirements of the Milford Township Zoning Ordinance.
- D. Lot, Block and Setback Standards.
- (1) Lot sizes shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities. They shall also be

Milford Township Subdivision and Land Development Ordinance

substantial enough to buffer the use from adjacent residences and mitigate any negative environmental impacts on the community or neighborhood.

- (2) Any setback that does not adequately buffer a land development from adjacent residences, residential lots and residential districts or otherwise mitigate environment impacts shall be increased as may be necessary to accomplish these purposes and landscaping shall be required to immediately create an effective buffer. Such buffers shall, at a minimum, meet any zoning requirements applicable. A landscaping plan shall be prepared by the developer and approved by the Township. Where a property line is not wooded, a planting strip of at least thirty (30) feet in width, and more if required by the Township Board of Supervisors, shall be required to buffer adjoining property owners. Such planting strip shall consist of two or more rows of offset White Spruce plantings, or other species of comparable screening value, at least six feet in height and sufficient to ensure that direct views of the project will be largely obscured on an immediate basis. Any additional buffer area required by the Board shall be not less than the minimum required to effectively contain impacts to the property being developed (e.g., maintain odors, lights, vibrations and noise on-site, ensure that industrial operations are fully screened, etc.).
- (3) All setbacks in the case of uses which may generate significant amounts of commercial truck traffic, floodlighting, noise or odors, including trucking terminals, distribution facilities, amusements parks, auto race tracks, wood products manufacturers, concentrated animal feeding operations not otherwise exempt from this Ordinance, all-night recreational facilities, junkyards or similar enterprises shall be increased to a minimum of 200 feet where offsite water supply and sewage disposal facilities are provided and a minimum of 300 feet where on-site water supply and sewage facilities are used. Additional setbacks, landscaping or other buffer screening may be required where such areas are not forested. Also, in those instances where greater setback are demanded by other Township regulations, those greater setbacks shall apply. "Significant" shall mean any degree or amount of impact which can be seen, felt, heard, smelled or otherwise detected by the human

Milford Township Subdivision and Land Development Ordinance

senses from two-hundred (200) feet away on a regular and continuing basis.

§ 100-37. Multi-family Dwelling Projects.

Multi-family dwelling projects are considered Conditional Uses under the Milford Township Zoning Ordinance and are subject to Sections 409 and 608 of said Ordinance. Multi-family dwelling projects shall also be considered major subdivisions and land developments under this Subdivision and Land Development Ordinance. Application for preliminary approval of multi-family dwelling projects, accordingly, shall be made to the Township Planning Commission in the manner provided herein.

§ 100-38. Conservation Subdivisions.

Developments of single-family homes where the dwelling units are grouped in sections to maximize the amount of common open space and preserve the natural settings, shall be designated as conservation subdivisions. This section, referenced in Section 404 of the Milford Township Zoning Ordinance, is intended to provide for such conservation subdivisions so that landowners might be able to preserve the equity in their land for development purposes while also preserving open space for public benefit. Conservation subdivisions can produce the same return for landowners, reduce the cost of public services, create a far more solid sense of community and truly preserve open space while conventional subdivisions tend to isolate, require more roads and services, reduce the potential for agriculture and consume vast amounts of open space in the name of "preserving rural character." They shall be processed in the same manner as other subdivisions and in accord with the standards and procedures which follow.

A. Sketch Plan Requirements. A landowner interested in developing a conservation subdivision shall prepare two Sketch Plans as provided herein, one illustrating a conventional subdivision and the other depicting how the property might be developed using the conservation subdivision technique.

B. Permitted Number of Dwelling Units. The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:

(1) All areas within the rights-of-way of any existing or proposed streets,

Milford Township Subdivision and Land Development Ordinance

- (2) All areas occupied by public utility easements and
- (3) All wetlands, floodplains, slopes of 15% or more, water bodies and other undevelopable areas.

The net figure shall be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted.

- C. Dwelling Types Permitted. Only single-family detached and two family dwellings shall be employed in this concept. All other dwelling types shall be considered multi-family dwellings and be subject to the applicable standards of this Ordinance pertaining to those dwellings. All dwellings in a conservation subdivision shall be served with community on-lot or central sewage and central water.
- D. Reduction of Development Standards. Development standards for lot size, lot width and setbacks may be reduced as necessary to create a safe and workable design that maximizes preservation of open space, provided the total density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accord with this ordinance, as determined from the basic Sketch Plan submission. No lot in a conservation subdivision shall be less than 50% or exceed 150% of the minimum lot size that otherwise would apply excepting that up to 20% of the open space requirement may be met with estate lots exceeding ten (10) acres in lot area, provided that such lots are limited to one dwelling unit each.
- E. Open Space Requirements. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No less than 50% of the total land area of the multi-family land development shall be dedicated to permanent open space. No less than 50% of this open space shall be usable for active recreational activities and shall not include wetlands, floodplain, slopes over 24% in grade, or acreage used for improvements unless such improvements

Milford Township Subdivision and Land Development Ordinance

are part of the recreational facilities (e.g. clubhouse). Storm drainage facilities and sewage effluent disposal areas are considered improvements.

- (1) Developments of five (5) units/lots or more (or where 5 or more additional lots are added to existing developments on a cumulative basis) shall also provide on-site community recreation amenities for the use of residents, applying the "Park, Recreation Open Space and Greenway Guidelines" from the National Park and Recreation Association as general criteria for planning purposes. Specific amenities and facilities shall be designed in accordance with approved national standards for that sport, for example, the USTA, the USGA, Little League Baseball, Amateur Softball Association of America, USA Swimming, US Soccer Federation, etc. All recreational improvements within each phase shall be installed or financially guaranteed prior to final approval of that phase.
- (2) Open Space/Recreation Areas shall be provided as outlined herein, but the Township may accept a fee in lieu of the construction of recreational facilities in accordance with Section 100-25.G.

F. Protection of Open Space. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement and generally titled to a property owner's association (POA) prior to the sale of any lots or dwelling units by the subdivider. Membership shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.

Milford Township Subdivision and Land Development Ordinance

- G. Trail Requirements. All lots and dwelling units shall have direct access to the open space provided in a conservation subdivision and there shall be a system of marked and/or improved trails developed to connect the open spaces with each other and with individual lots and dwelling units.

100-39 Application of Land Development Standards.

Notwithstanding any requirements that may exist under the Pennsylvania Municipalities Planning Code to submit an application for approval, the land development standards contained herein shall not apply to the following:

- A. Temporary or accessory activities.
- B. Minor building alterations, repairs or maintenance activities.
- C. Conversion of single-family dwellings to two-family dwellings.
- D. Replacement, rehabilitation or reconstruction of a structure or facility for the same use at the same scale.
- E. Construction of any non-residential structure of less than one-thousand (1,000) square feet in floor area.

The above list is intended to clarify, in terms of their practical application, the exceptions already provided under the Pennsylvania Municipalities Planning Code. No person is exempted from the demands to file any plan required under such Code regardless whether or not standards for the same have been included in this Ordinance.