

**MILFORD TOWNSHIP, PIKE COUNTY, PA**  
**PROPOSED CURATIVE ZONING AMENDMENT**

ORDINANCE NO. \_\_\_\_\_ 2026

AN ORDINANCE AMENDING THE MILFORD TOWNSHIP ZONING ORDINANCE ADOPTED \_\_\_\_\_, TO AMEND ARTICLE III, SECTION 304, SCHEDULE OF DISTRICT REGULATIONS #2 TO PROVIDE FOR A PLANNED UNIT COMMERCIAL DEVELOPMENT ("PUCD") USE IN THE DD ZONE AS A CONDITIONAL USE; TO AMEND ARTICLE II – DEFINITIONS – TO ESTABLISH A DEFINITION OF A PUCD, AND TO AMEND ARTICLE IV TO ESTABLISH REGULATIONS FOR THE PUCD USE.

WHEREAS, a challenge to the validity of the Zoning Ordinance has been submitted, claiming that the Ordinance is exclusionary for failing to provide for multiple commercial buildings, involving multiple commercial uses, on one parcel, in the Milford Township Zoning Ordinance Schedule of District Regulations; and

WHEREAS, there is no similar use in the Township Zoning Ordinance that would apply to the use proposed by the Applicant, DEPG Land Management Services, LLC ("DEPG"); and

WHEREAS, the Township agrees that provisions need to be made for the inclusion of a Planned Unit Commercial Development use in the Zoning Ordinance.

NOW THEREFORE, in consideration of the validity challenge and the curative amendment submitted pursuant to Section 609.1 of the PA Municipalities Planning Code, the following Amendments are hereby adopted:

I. Amend Article III, Section 304 - Schedule of District Regulations #2, DD - Development District, to allow, as a Conditional Use, a "Planned Unit Commercial Development".

II. Amend Article II - Definitions, to add the following definition: "Planned Unit Commercial Development" – "A development involving two or more commercial buildings on one lot, that is permitted in the DD Zoning District as a Conditional Use, when the proposed uses in the buildings are Principal Permitted Uses or permitted by Conditional Use. The word "Interior" in this Amendment shall mean and refer to the areas within the PUCD and, specifically,

Interior Lots shall mean the lots where the individual commercial buildings within the PUCD shall be situate. If a proposed use is a hotel or similar lodging facility, the length of stay shall not be more than Fourteen (14) uninterrupted days for any guest. The development shall be designed with coordinated interior road access, stormwater management, landscaping and buffering.”

III. Amend Article IV – Supplementary Regulations – to add a new Section 431, entitled “Planned Unit Commercial Developments” to read:

431 PLANNED UNIT COMMERCIAL DEVELOPMENT

A. PURPOSE To encourage development to occur on one lot within business parks, as opposed to development on scattered individual lots; to provide appropriate locations for certain commercial uses, service establishments, offices, and light industry in a manner that is compatible with the area; to maintain an attractive physical environment that will attract new employers; to encourage the establishment of appropriate controls, and coordinated interior vehicle access, to make sure that new development occurs with access onto interior roads, as opposed to numerous driveways onto existing public roads.

B. STANDARDS FOR APPROVAL OF A PUCD

To ensure compliance with the purposes and requirements of the DD District, review and approval of a PUCD shall be required as a Conditional Use. The Township shall consider the following in deciding the Conditional Use application:

1. Minimum lot area for the PUCD Lot shall be Ten (10) acres. The minimum lot area per each principal use proposed is Twenty Thousand (20,000) square feet.

2. Number of Principal Buildings. Multiple principal buildings are permitted; however no more than Twenty-Five percent (25%) of the gross lot area shall be covered by buildings.
3. Minimum Lot Width for PUCD Lot: 400 feet.
4. Minimum Setbacks: Front Yard Setback - 50 feet; Side and Rear Yard Setbacks - 35 feet. The Township may require the side and rear yard setbacks be increased to 50 feet if sight lines and topography warrant. The buffer planting is required along all property lines coincident with a Residential Zone or residentially developed properties and shall be a minimum of Seven (7) foot high evergreen trees Twenty (20) feet on center in a staggered double row. Setbacks between Interior Lots may be reduced as part of the conditional use upon good cause shown, which includes recommendations by the Milford Fire Department
5. Maximum Lot Coverage for PUCD Lot: Twenty-Five percent (25%); Sixty Five percent (65%) provided all minimum setbacks are increased to Seventy Five feet (75') along all property lines; however, if applicant provides sufficient engineering evidence, as determined by the Township engineer, that the stormwater can be managed on the property and sufficient buffering is to be provided, the 75' requirement can be reduced to Fifty feet (50'). Application for lot coverage greater than Twenty-Five percent (25%) shall be part of the Conditional Use application.
6. Maximum Height: 45 feet.
7. Parking. Parking for each use within a principal building shall be in accordance with Section 408 of the Ordinance, and shall be the subject of a parking approval issued by the Township in accord with any Conditional Use approval by the Township. Where efficiencies may be derived from shared parking, a reduction in the number of parking spaces shall be

permitted when there will be a sharing of parking spaces by uses with different periods of peak parking demand and where the applicant can provide justification for reduced parking based upon Urban Land Institute (ULI) standards for shared parking as set forth in its publication Shared Parking, most recent edition at time of application. Applicant shall submit calculations showing that available parking for each use will be sufficient during peak demand periods. Any proposed change in a use within a building must be the subject of an application for a parking approval for the proposed use. If the proposed use will not materially change the parking and/or the traffic from the prior use, the parking approval can be issued. If the Township (through its Engineer or Zoning Officer) determines the proposed use will materially change the parking and/or traffic from the prior use, the applicant must apply for Conditional Use approval and present sufficient evidence of compliance with parking and traffic requirements in the Township's Ordinances.

8. Submittal. The applicant shall submit plans and accompanying information meeting Section 608 of the Ordinance. While detailed engineering of stormwater, grading, profiles, and similar matters that are addressed in the SALDO are not required at the Conditional Use stage, the applicant must satisfy the Township at the Conditional Use stage by showing that the applicant can comply with environmental constraints including wetlands restrictions, stormwater management, parking and traffic requirements, as well as the site design guidelines of Section 417 of the Ordinance. Dumpsters must be screened from view. Applicant shall present a plan showing an integrated approach to signage throughout the PUCD. The total square footage and the design for signs within the PUCD shall be for the entire PUCD lot, even if a road divides the PUCD. If the applicant includes a

convenience store with fuel dispensing facilities for the PUCD, applicant is required to present a plan that demonstrates the methods by which any spills of liquids will be contained and shall also demonstrate that the storm water management system is designed to capture volatile organic compounds, oils and solids. The applicant is required to submit a copy of the maintenance agreement setting forth the terms for the management of the facility. The applicant shall present information on the types of uses that are proposed for different portions of the development. Once conditional use approval is granted for the PUCD, the applicant shall apply for a Certificate of Use for each proposed use. The application shall list the use as either a Permitted Principal Use in the DD District or a use allowed by Conditional Use in the DD District. A Certificate of Use shall only be allowed if the proposed use is consistent with the conditional use approval for the PUCD.

9. Access. A PUCD abutting an existing state road, collector road, or arterial road shall be designed with an access road so the uses can be accessed via the access road (not the state, collector or arterial road). This requirement may be waived or modified by the Township in the Conditional Use process if, in the judgment of the Township, compliance would be unreasonable or impractical due to the size of the proposed development, configuration of the site, surrounding uses, etc. Applicant shall make the maximum use of interior streets. The Township may impose conditions on the Applicant to require deed restrictions and/or easements be placed on internal lots to require compliance with the approved traffic access system. Applicant shall pay an annual fee for the estimated maintenance costs for any traffic control devices installed as part of the PUCD. A secondary, emergency access may be required by the Township, with appropriate controls or restrictions. An Applicant shall submit a traffic flow concept plan with the Conditional Use

application for review and comment by the Planning Commission, with a more detailed plan to be submitted with the Land Development Plan if Conditional Use approval is granted. A Fire Lane may be required to provide emergency access to one or more of the Interior Lots, if access is limited, to be determined at the Land Development submission stage.

10. Staged construction. If development is to occur in progressive stages, Applicant shall submit such information to the Township to be reviewed as part of the Conditional Use process. Each stage shall be planned and occur so that the purposes and requirements of this Section 431 are fully complied with at the completion of each stage. Each stage shall be shown on the plan. The Staging Plan shall be submitted with the Land Development Plan, shall comply with all Municipalities Planning Code requirements for staging (notably Section 509), and shall address the security and maintenance of any portion of the project that is not being developed within Eighteen (18) months of the initial land disturbance following all non-appealable Township and State approvals. A Certificate of Use is required for each stage of the PUCD once all infrastructure work for that particular stage (including but not limited to: sanitary sewer, access roads, parking areas, landscaping and screening around each building, and stormwater management, and as built plans) have been completed and approved.
11. Lot regulations. Each principle building shall comply with the regulations of the DD District. However, the setbacks between interior lot lines may be reduced as part of the Conditional Use process provided they provide for safe traffic flow and pedestrian access and emergency access purposes.
12. Interior lot covenants. A PUCD applicant shall disclose during the Conditional Use process what covenants it shall require of its tenants to address the types of uses, maintenance of lots and

operations, with a proper means for enforcement. The substance of these covenants shall be presented before a PUCD is approved.

13. Coordinated stormwater management. A PUCD shall include a coordinated system of stormwater management. Where feasible, this should include sufficient land set aside for a minimal number of stormwater basins, with provision made by applicant to pay sufficient fees each year to properly maintain the basins.

14. Green or Recreational Space. A minimum of Twenty percent (20%) of the lot shall be green or recreational space consisting of parks, plazas, greens, walking paths, gardens or recreational facilities (“Public Space”). The Township shall make as a condition of any Conditional Use that: one quarter of the Public Space must be recreational facilities available to the general public, and the recreational space must be concentrated in one or two areas, and not spread out over the lot, however walking trails can be located anywhere on the property. The Public Space shall not be located in areas that are environmentally constrained or where stormwater management facilities are located.

15. Sewage and water services. The applicant shall provide evidence concerning the general feasibility of methods that will be used to provide sewage and water services. However, the detailed engineering of such services may be delayed until approval is sought under the SALDO.

16. The PUCD shall also comply with all other applicable sections of this Ordinance, except as specified in this Section 431, and must specifically comply with Section 426 (the Wellhead Protection Ordinance).

IV. All sections of the Zoning Ordinance that are inconsistent with these amendments are hereby repealed. In all other respects, the Ordinance shall remain in full force and effect.

This Ordinance will become effective five (5) days [immediately] after its adoption.

ORDAINED AND ENACTED by the Board of Supervisors of Milford Township, Pike County, PA, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

MILFORD TOWNSHIP SUPERVISORS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_