

ORDINANCE NO. 151

AN ORDINANCE OF THE TOWNSHIP OF MILFORD, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE MILFORD TOWNSHIP ZONING ORDINANCE DULY ADOPTED JULY 18, 1995, TO ESTABLISH AN ARTERIAL MIXED USE (AMU) OVERLAY DISTRICT SUBJECT TO CONDITIONAL USE APPROVAL

BACKGROUND

A. On or about July 18, 1995, the Milford Township Board of Supervisors (the "Board") enacted a new Zoning Ordinance ("Zoning Ordinance") pursuant to its statutory authority, the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as amended (53 P.S. §10101 et seq).

B. Since its adoption, the Board has from time to time amended the Zoning Ordinance, most recently by Zoning Ordinance Amendment adopted July 17, 2007.

C. The Board of Supervisors believes it is in the interest of the Township to establish an Arterial Mixed Use Overlay District and that such a District will meet community development objectives of encouraging a unified design on large tracts of land, preserve a minimum open space ratio of 50%, protect sensitive natural resources, promote housing types requiring lower per unit impacts on the public school system, encourage the establishment of a variety of housing types for the elderly, require highway improvements within the arterial corridor and eliminate traffic hazards.

D. In accordance with MPC requirements, copies of this proposed Zoning Ordinance Amendment were forwarded to the Bucks County Planning Commission and the Milford Township Planning Commission on November 26, 2007 for their review and comment.

E. In accordance with MPC requirements, notice of a public hearing to consider adoption of this Zoning Ordinance Amendment was duly advertised in the Intelligencer on December 20, 2007 and December 27, 2007.

F. The proposed Zoning Ordinance Amendment has been advertised, considered and reviewed, and a hearing held all in accordance with the requirements of Section 609 of the MPC (53 P.S. Section 1069).

NOW, THEREFORE, be it ENACTED and ORDAINED and it is hereby ***ENACTED AND ORDAINED*** by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania as follows:

Section 01 – Article II - Definitions – Is hereby amended to revise and restate the following definitions:

Section 251 – Open Space

Open space is land used for recreation, resource protection, amenity, or buffers; and is protected by the provisions of this Ordinance and the Subdivision and Land Development Ordinance to ensure that it remains in such uses. Open space shall not include land occupied by nonrecreational buildings or structures, roads or road rights-of-way, parking areas for nonrecreational uses or land reserved for future parking areas for nonrecreational uses. Stormwater basins which are designed to retain water year round may be included as open space. However, other stormwater detention or retention basins shall not be considered open space. Yards or lots deeded in fee simple to individual lot owners shall not be considered open space. However, common elements or other common open spaces owned by a condominium association, community association or other common interest entity, if otherwise meeting the definition of open space contained herein, shall be considered open space.

Open space shall be owned and maintained in accordance with Section 534 Ownership of Open Space. Open space recreation uses specified in Section 531.b (3) may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

Section 271 – Site Area, Base

The area of land remaining after subtracting land which is not contiguous, land previously subdivided, or developed, future road rights-of-way and existing utility rights-of-way from the site area. See Section 501 for the specific calculations.

Section 02 - Article VI of the Zoning Ordinance is hereby amended to establish a new subsection E. Arterial Mixed Use (AMU) Overlay District and the following new sections of the Zoning Ordinance, as amended are hereby established:

Section 660 – DISTRICT PURPOSE AND INTENT

Consistent with the Quakertown Area Comprehensive Plan, the AMU Overlay District is intended to provide incentives to direct desired types of development into locations where there is adequate existing or planned infrastructure, such as sewers, water facilities and roads. The AMU, allowed only as a conditional use, is intended to provide a mechanism to balance between increased land use intensities and mitigating the impacts they produce while protecting and enhancing sensitive environmental resources.

Incentives are provided for “Low Impact Residential” units which are housing types having lower trip generation rates and school children generation rates. Housing

types having two bedrooms or less and age restricted housing generate significantly less traffic and school children.

The AMU Overlay District should achieve the following objectives:

1. Encourage unified design on a broad scale
2. Preserve a minimum open space ratio of 50%
3. Protect sensitive natural resources
4. Promote housing types with lower per unit impact on school system
5. Encourage housing types for elderly / assisted care
6. Allow moderate scale commercial and mixed use uses
7. Mitigate impact on surrounding properties
8. Eliminate traffic hazards
9. Require highway capacity improvements
10. Require limited and efficient access
11. Enhance environmental amenities
12. Concentrate more intensive land use towards the interior or the arterial
13. Restrict “edges” to less intense land use
14. Provide additional regulations for buffering, light and visual controls

Section 661 – DEFINITIONS APPLICABLE TO AMU OVERLAY DISTRICT

When used in this Article VI, the following words and phrases shall have the meanings hereinafter assigned to them:

A. Age Restricted Independent Living. Residential dwelling units designed and occupied by residents who will maintain an independent life style for which occupancy is restricted such that each unit is occupied by at least one person aged 55 or over.

B. Assisted Living or Personal Care Facility. A form of housing which combines lodging and various personal support services such as meals, housekeeping, laundry and shopping. It is designed for persons who need regular help with daily activities but do not need nursing home care.

C. Commercial Building. A building occupied or intended to be occupied by one or more uses permitted in Section 663.C.2. hereof.

D. Congregate Housing. A type of residential housing facility which combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Congregate Housing dwelling units shall have no more than 3 bedrooms. A congregate care facility shall offer two or more of the following:

1. Transportation services
2. Personal care services
3. Rehabilitation services

4. Spiritual programs
5. And/or other support services

E. Low Impact Residential Dwelling Unit. A dwelling unit within a development designed and occupied as an age restricted independent living, assisted living, congregate housing or multi-story apartment development.

F. Multi-Story Apartments. Apartment buildings containing no more than four (4) stories and meeting the additional requirements for multi-story apartments stated hereafter. To qualify as a Low Impact Residential Unit, a dwelling unit within a multi-story apartment building must have two (2) bedrooms or less.

G. Townhouse – A single family attached dwelling unit with one dwelling unit from ground to roof, having individual outside access.

Section 662 – APPLICABILITY

To be eligible for consideration for an AMU development a site must meet all of the following minimum requirements:

- A. Minimum Site Area – 200 acres
- B. Site must have a minimum of 500 feet of frontage on an arterial corridor designated under Section 620 of the Zoning Ordinance.
- C. Public water and public sewer must be available to the site.
- D. The site must be developed according to a Unified Master Plan submitted with the Conditional Use Application and subject to approval as part of the Conditional Use. The Unified Master Plan shall address to the satisfaction of the Board of Supervisors the specific requirements contained in Section 665 hereof.

Section 663 – PERMITTED LAND USES

The following uses are permitted within the AMU Overlay District:

- A. Uses by Right – All uses permitted as a Use regulation in the underlying Zoning District are permitted at the density permitted within the underlying Zoning District.
- B. Uses Permitted by Special Exception – All uses permitted as a Special Exception in the underlying Zoning District are permitted by Special Exception at the density permitted in the underlying Zoning District.
- C. Uses Permitted by Conditional Use – All uses permitted as a Conditional Use in the underlying Zoning District are permitted as a Conditional Use at the density

permitted in the underlying Zoning District. In addition, the following uses are permitted as Conditional Uses provided that the requirements set forth in this Article VI are met.

1. Low Impact Residential Dwelling Units within development areas designated as age restricted independent living, assisted living, congregate housing and multi-story developments.
2. The following uses, as defined as Section 404 of the Zoning Ordinance, subsections A2, A7; C1, C3, C4, C5, C6, C7, C8, C9, C10, and C12; D1, D2, D3; E1, E2, E3, E4, E5, E6, E7, E8, E10, E11, E13, E15, E21, E22; F2, F3, F5; G5 and G8.
3. Townhouse – Provided however that the number of Townhouse units shall be computed based upon the density permitted in the underlying Zoning District unless such Townhouse units are a type of Low Impact Residential Dwelling Unit.

Section 664 – SITE CAPACITY CALCULATION

A. Site Capacity for the overall site shall be calculated in accordance with the site capacity calculation provisions of Section 501 of the Zoning Ordinance and the Table of Performance regulations contained at Section 502 of the Zoning Ordinance. The overall site shall have an open space ratio of 50%. An applicant for Conditional Use approval to establish an Arterial Mixed Use development on a site, by Conditional Use approval, may increase the density calculated in accordance with Sections 501 and 502 of the Zoning Ordinance as follows:

1. For congregate housing and assisted living units the number of dwelling units may be increased up to a maximum of six (6) dwelling units for each dwelling unit permitted by the site capacity calculations under Section 501.
2. For age restricted independent living, the number of dwelling units may be increased up to a maximum of four (4) dwelling units for each independent living dwelling unit having no more than three bedrooms for each dwelling unit permitted by the site capacity calculations under Section 501.
3. For multi-story apartments and age restricted independent living having two bedrooms or less, the number of dwelling units may be increased by four (4) dwelling units for each dwelling unit calculated as permitted under the site capacity calculations.

For the purpose of calculating the number of bedrooms under this section, except for one living room/family room, one dining room, one kitchen and basement areas, any room which exceeds 80 square feet shall be considered a bedroom.

B. Commercial Buildings. Each Arterial Mixed Use development shall include a Commercial Building component to be developed with one or more of the Commercial

uses permitted in Section 663.C.2. hereof. (“Commercial Buildings”). Commercial Buildings shall be permitted at the rate of 500 square feet of Commercial Buildings per Low Impact Residential Dwelling Unit. Additionally, a minimum of 1,000 square feet of Commercial Buildings shall be provided for each Base Site Acre and no more than 2,200 square feet of Commercial Buildings shall be permitted for each Base Site Acre. See the example below which illustrates how the number of square feet of Commercial Buildings is calculated. All non-residential buildings shall comply with the architectural standards provided at Ordinance 133, adopted July 19, 2005 of the Zoning Ordinance. The maximum floor area permitted for a single user (i. e. Wall Mart, Home Depot, etc.) is 50,000 square feet.

C. Site Capacity Calculations for AMU Overlay District.

1. The following table establishes how the number of permitted Low Impact Residential Dwelling Units is calculated.

Site Capacity Calculations for AMU Overlay District

Housing Type	No. of Calculated Base Site Area Dwelling Units Allocated to Housing Type	No. of Dwelling Units Permitted
Congregate Care	1	6
Assisted Living	1	6
Age Restricted With No More Than 3 Bedrooms	1	4
Multi-story Apartments With No More Than 2 Bedrooms	1	4
Other Residential Housing Types	1	1

2. The following an example of how the number of permitted Low Impact Dwelling Units is calculated and how the number of square feet of Commercial Buildings is determined. It assumes a Base Site Area of 200 acres and that the property is in the RD Zoning District which permits a total of .87 single family detached (B1) dwelling units per acre of Base Site Area.

The Total Number of Use B1 Dwelling Units Permitted is 174 Which May Be Allocated as Follows:

Housing Type	No. of Permitted Dwelling Units Allocated to Housing Type	No. of Dwelling Units Permitted for Housing Type	Total No. of Dwelling Units Permitted for Housing Type
Congregate Care	29 x	6 =	174
Assisted Living	29 x	6 =	174
Age Restricted – 3			

Bedrooms	58 x	2 =	116
Multi-Story Apartments – 2 Bedrooms	58 x	4 =	<u>232</u>
Total	174		696

Minimum Square Feet of Commercial Building
Development Required Under Example

Base Site Area	1,000 Square Feet Per Acre Of Base Site Area
200	200,000

Total No. of Square Feet of Commercial Buildings Required Based
Upon Number of Low Impact Housing Units Proposed

Total No. of Low Impact Dwelling Units Proposed	No. of Square Feet of Commercial Buildings Per Low Impact Residential Dwelling Unit	Total No. of Square Feet of Commercial Buildings Required
696	500	348,000

Maximum No. of Square Feet of Commercial Use Buildings

Base Site Area	Maximum No. of Sq Ft Per Acre of Base Site Area	Maximum Square Feet of Commercial Use Buildings Permitted
200 x	2,200 =	440,000

Section 665 – DESIGN REQUIREMENTS

A. The following design requirements shall apply to the entire tract proposed for development as an AMU and shall be laid out as part of the Unified Master Plan required under this Article VI.

1. A minimum of 50% of the base site area shall be open space.
2. Site capacity calculations required under Section 501 of the Zoning Ordinance shall be based upon the base site area. Maximum density, maximum impervious surface ratio and environmental performance standards shall also be based upon the base site area.
3. No proposed building within an AMU development shall be located closer than 100 feet from the outside boundary of the property. No building within the proposed AMU development shall be located closer than 150 feet from an existing residence on any property adjoining the property proposed for AMU development.

4. The maximum height of any building in an AMU shall be 35 feet except that the height of multi-story apartments may be increased to four stories and a height not to exceed 60 feet provided that such buildings are equipped with elevators and fire suppression systems and are located a minimum of 200 feet from any perimeter property boundary of the site other than the arterial highway.
5. No lighting standard within the AMU development shall exceed 20 feet in height. Subdivision and land development plans shall establish that no lighting meeting the boundary of the property shall exceed .5 foot candles.
6. At the discretion of the Board of Supervisors, parking may be designed based upon the requirements for the entire site proposed for the AMU development and then allocated to individual phases or sections subject to cross-easements and the recording of a Declaration of Easements, Covenants, Conditions and Restrictions addressing any other issues resulting from the design of parking on a site-wide basis. However, the Board of Supervisors shall not be required to approve any parking layout which, in the opinion of the Board of Supervisors, does not provide accessible parking for uses proposed in each phase or section of the development.
7. A buffer area as approved by the Board of Supervisors shall be maintained around the perimeter of the site. The buffer shall be governed by the Milford Township Subdivision and Land Development Ordinance (the "SALDO") and, in particular, the requirements of Sections 520 through 521. The Board of Supervisors may impose additional buffer requirements along the perimeter of the site in areas where the Board deems they are necessary and may modify other buffer requirements in order to achieve the objective of providing the greatest buffer areas where they are deemed to be most needed. The area, type and extent of buffer plantings shall be addressed in the conditional approval and in the subdivision and/or land development process.

B. An application for Conditional Use Approval shall be accompanied by a Unified Master Plan prepared in accordance with the following standards:

1. The Unified Master Plan shall delineate the area and location of total resources to be preserved, permitted impervious surfaces, location, area, types and number of dwelling units proposed and the area and location of Commercial Buildings proposed. It shall contain a tabulation demonstrating how these components of the development comply with the requirements of the Zoning Ordinance as amended by this Ordinance. Permitted dwelling units, (including Low Impact Residential Dwelling Units,) Commercial Buildings, resource disturbance areas, impervious surfaces and other requirements which must be met under the Zoning Ordinance and this amendment shall be allocated on the Unified Master Plan to each separate phase or section proposed for development. Prior to the recording of the Unified Master Plan, or any subdivision plan or phase plan, a Declaration of Easements, Covenants, Conditions and Restrictions shall be recorded

including, among other things, the allocation as set forth on the Unified Master Plan.

2. The Unified Master Plan shall provide a mechanism by which arterial highways shall be improved to two through lanes in each direction with the addition of left turn lanes and deceleration lanes where appropriate. Where turning movements are restricted to right-in/right-out only, the plan shall provide a medial separation in the center of the road to ensure no left turns can be made. The Unified Master Plan shall also provide for the elimination of dangerous, hazardous and deficient conditions on existing roadways abutting the site or passing through the site. It shall provide for limitation of access to the arterial highway in accordance with arterial access requirements established at Sections 620 through 624 hereof. Internal streets shall be laid out in such a way as to discourage vehicular speed and to disperse traffic flow.
3. The Unified Master Plan shall describe to the satisfaction of the Board of Supervisors, how all traffic improvements shall be accomplished, the timing and sequencing of such traffic improvements and the means of financing and securing the construction of those improvements.

C. The following design requirements shall apply to individual uses. In the event of a conflict between the provisions contained under this Section 665 and any other provisions of the Zoning Ordinance, including the regulations contained under Section 400, the requirements set forth herein shall control.

1. Age Restricted Independent Living Dwelling Units: The area and dimensional requirements for the type of dwelling unit proposed, i.e., single family detached (B1), single family cluster (B5), performance subdivision (B6), multi-plex, etc., shall apply to such housing when developed as age restricted independent living dwelling units except as follows:
 - a. Parking. Except as modified hereby, there shall be a minimum of one and one-quarter off street parking spaces provided for each dwelling unit proposed to be developed as an age restricted independent living dwelling unit. Non age restricted independent living dwelling units shall comply with the parking requirements for the individual use.
 - b. Areas and dimensions of lots shall conform with the requirements of Section 404 of the Zoning Ordinance for the type of dwelling unit proposed (unless modified by the provisions of this Section 665).
2. Assisted Living Dwelling Units: Assisted living dwelling units shall require a lot area of not less than one acre plus 1,000 additional square feet per resident. One off-street parking space per two patient beds plus one off-street space for each staff and employee on the two major shifts shall be provided.

3. Congregate Housing: One off-street parking space shall be provided each two residents the congregate housing is designed to accommodate plus one parking space for each employee on the two major shifts.

Minimum lot area (per building)		8,000 sq ft
Minimum lot area (per dwelling unit)		1,000 sq ft
Minimum Separation Between Buildings		20 ft

4. Multi-Story Apartments:

Minimum lot area (per building)		1 acre
Minimum Separation Between Buildings		30 feet

5. Townhouse: A row of attached townhouses shall not exceed eight (8) dwelling units.

Min Lot Area (Sq Ft)	Min. Lot Width (Sq Ft)	Min. Building Setback Line (ft)	Min Building Spacing (ft)	Minimum Front (ft)	Minimum Side (Each) (ft)	Minimum Rear Yard (ft)	Maximum Building Height (ft)
2,000	24	20	30			20	35

The Board of Supervisors may permit the front and rear yard requirements to be met by common areas owned or maintained by a Condominium or Community Association.

6. Except as amended hereby, Commercial Buildings shall comply with the parking requirements of the uses proposed within the Commercial Building.

D. Subdivision of the overall AMU site is permitted subject to the approval by the Board of Supervisors. In determining the boundaries of tracts subdivided within an AMU development, the Board shall require that sufficient areas are allocated to each tract to meet all of the design requirements set forth herein for each subdivided tract. In addition, prior to approval of any subdivision, the Board of Supervisors must be satisfied that the requirements of Section 660 through 667 hereof are met.

Section 666 – REQUIREMENTS FOR CONDITIONAL USE APPROVAL

In determining whether to grant Conditional Use approval for an AMU, the following standards shall apply:

- A. The Master Design Plan shall provide that 50% of the site shall be open space. The Board of Supervisors may impose such reasonable conditions on the layout and protection of the open space as it deems appropriate.

B. The Master Design Plan shall provide measures which mitigate its impact on surrounding properties.

C. The Master Design Plan shall provide for the protection and/or enhancement of important environmental amenities.

D. The Master Design Plan shall concentrate more intensive land uses towards the interior of the tract or the arterial roadway on which the tract abuts.

E. Less intensive land uses shall be established toward the edges of the property. The Board shall determine that overall Conditional Use approval represents a fair balance between increased land use intensity, providing adequate infrastructure both along the perimeter of the property and within the subdivision or land development, mitigate the impacts of the more intensive development and protect and enhance sensitive environmental resources.

F. The proposal shall make adequate provision for arterial highway improvements as set forth in this Article VI, eliminate existing traffic hazards and provide for limited and efficient access to the site.

G. The Master Design Plan shall provide buffering between the property proposed for the AMU development and surrounding properties in compliance with the buffer requirements set forth herein and in a manner deemed by the Board of Supervisors to adequately screen the proposed AMU development from surrounding land uses. To facilitate proper buffering, enhanced landscape plantings, berms and other measures may be provided. Alternatively, the Board may determine that non-disturbance of existing natural resource features provides the best protection for surrounding land uses.

H. Phasing and/or subdivision of the AMU tract shall be subject to the approval of the Board of Supervisors. The phasing and/or subdivision plan shall make adequate provision to assure that arterial highway and other traffic improvements are constructed in a coordinated fashion; that adequate financial security is posted to assure their construction; and that design and other Conditional Use requirements will be met.

Section 667– ADDITIONAL REQUIREMENTS FOR AGE RESTRICTED INDEPENDENT LIVING. To qualify as an Aged Restricted Independent Living use, such housing must comply with the requirements of “Housing For Older Persons” as the term is defined in Section 8.05(d)(2) of the Fair Housing Act of 1988, 42 U.S.C. 3607(b)(2), as amended and the regulations promulgated (or hereafter promulgated) thereunder. In addition, occupants of the unit shall be restricted to the following:

A. In each unit, at least one occupant must be 55 years of age or older.

B. Persons 19 or older residing with their spouse, provided the spouse of such person is 55 years or older.

C. No person under the age of 19 is permitted to reside in the unit. Persons under the age of 19 may stay overnight in a unit but for no more than 30 days in any calendar year.

D. As part of the conditions of approval, the Board of Supervisors shall require a Declaration of Covenants, Conditions and Restrictions to be recorded in the Office of the Recorder of Deeds of Bucks County implementing the above requirements. It shall also establish a process for certifying the occupancy of such units, assuring that questionnaires, census forms and other documentation is required of persons managing an Age Restricted Independent Living development to assure that these requirements are maintained.

Section 03: Repealer. This Ordinance hereby repeals any provision inconsistent with the Zoning Ordinance now in effect or of other Ordinances, to the extent of such inconsistency. All other provisions of the Zoning Ordinance of Milford Township, not inconsistent herewith, shall remain in full force and effect.

Section 04: Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Milford Township Portion of the Quakertown Area Municipal Zoning Ordinance of 1995, as amended.

Section 05: Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED and ORDAINED this 19th day of February, 2008.

-S-
Janya Awckland,
Secretary-Treasurer

BOARD OF SUPERVISORS
MILFORD TOWNSHIP

-S-
Robert B. Mansfield, Chair

ATTEST:

-S-
Charles Strunk, Vice Chair

Excused _____
Jeffrey A. Vey, Manager

-S-
Timothy Damiani, Member