

**ORDINANCE NO. 137**

**AN ORDINANCE OF THE TOWNSHIP OF MILFORD, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE MILFORD TOWNSHIP PORTION OF THE QUAKERTOWN AREA ZONING ORDINANCE OF 1995, AS AMENDED, TO CLARIFY LIVESTOCK / POULTRY REGULATIONS, ALLOW PERFORMANCE STANDARD SINGLES IN THE RD ZONE, CLARIFY IMPERVIOUS SURFACE RATIO, CORRECT TYPOGRAPHICAL ERROR, CLARIFY OPEN SPACE APPLICABILITY, AND AMEND LANE LOT WIDTH.**

**WHEREAS**, the Board of Supervisors of Milford Township, Bucks County, Pennsylvania have enacted the Milford Township Portion of the Quakertown Area Municipal Zoning Ordinance of 1995 (the “Zoning Ordinance”), as amended; and

**WHEREAS**, the Board of Supervisors of Milford Township desires to amend this Ordinance to clarify, correct and amend certain sections of the Zoning Ordinance; and

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

**Section 1 – Livestock / Poultry**

Amend Section 404 A1 g to read:

*“A minimum of three (3) acres of net buildable site area shall be required for the keeping and raising of livestock. The keeping and raising of livestock shall be limited to one (1) head of livestock per one (1) acre of net buildable site area. Further, a minimum of two (2) acres of net buildable site area shall be required for the keeping and raising of poultry. The keeping and raising of poultry shall be limited to twenty-five (25) head of poultry per one (1) acre of net buildable site area. Net buildable site area shall be calculated in accordance with Section 501 h of the Zoning Ordinance. For this Section, poultry is defined as chickens, ducks, domesticated geese and turkey and the like. Ostriches, peacocks, emus and other exotic birds shall be considered livestock and not poultry for calculating the number that may be kept or raised in accordance with this Section. This limit may be exceeded...”*

Amend Section 404 A3 to read:

*“Mushroom houses; feedlots; aquaculture; confinement livestock or poultry operations taking place in structures or closed pens; the keeping or raising of more than two (2) head of livestock or twenty-five (25) head of poultry per one (1) acre of net buildable site area. Net buildable site area shall be calculated in accordance with*

*Section 501 h of the Zoning Ordinance. For this Section, poultry is defined as chickens, ducks, domesticated geese and turkey and the like. Ostriches, peacocks, emus and other exotic birds shall be considered livestock and not poultry for calculating the number that may be kept or raised in accordance with this Section; and greenhouse operations which create an impervious surface ratio of more than three percent. . . .”*

## **Section 2 - Forestry Exemption**

Amend Section 404 A4 b (3) to read:

“Scope: Applicability. *The Environmental Performance Standards of Section 504 d shall apply even where a permit is not required. A zoning permit shall be required...*”

## **Section 3 - Performance Standards in the RD Zone**

Amend Section 404 B6 to add the following as Section 404B6a.(5):

“(5) In the RD Zoning District, only single family housing types ( Sec. 404 B6 b (1) – Single Family Detached, (2) – Detached Dwelling – Off-Center, and (3)- Village House) shall be permitted by conditional use where the site is a minimum of 50 acres and adjoins an SRM or VC-2 zoning district.”

Amend Section 403 Table of Uses to show that Performance Standard Subdivisions are permitted by conditional use with an asterick/footnote that would indicate that only single-family housing types (B6b(1), (2) and (3)) of the Performance Standard Subdivisions would be permitted.

Amend Section 502 Table of Performance Standards to add, under the RD zone, B6b1,2,3 – Performance Standard with a Minimum Open Space Ratio of 55%, Maximum Density of 1.3 DU/Acre, Maximum Impervious Surface Ratio of 18% and a Minimum Site Area of 50 acres.

## **Section 4 - Impervious Surface**

Amend Section 404 C1 d to read:

“The maximum impervious surface ratio allowed for this use in all zoning districts is 40%.”

## **Section 5 – Prohibition Against Resource Disturbance**

Amend Section 504 to add the following as Section 504p.:

“p. Resource Disturbance:

**(1) Prohibition against Resource Disturbance.** Site alterations, grading, filling or clearing of vegetation prior to the issuance of zoning or building permits or

receipt of a permit or final approval for a subdivision or land development from Milford Township shall be a violation of this Ordinance.

**(2) Disturbing Resources Prior to Plan or Permit Approval.** Any removal of trees, grading, or disturbance of protected resources initiated two years or less before the submission of plans for subdivision, land development, building or zoning permits is presumed to be in anticipation of development. If an application for building, conditional use, subdivision or land development is submitted for the property within two years of the date the tree removal, grading, or other disturbances occurred, the requirements for resource protection, as set forth in this ordinance and in the township Subdivision/Land Development Ordinance, shall be applied to the property as it was prior to the disturbance. If tree removal has exceeded the limits set forth in township ordinances, the applicant shall be required to replace trees removed. Replacement shall be based on the actual number and size of trees or forest removed, and trees shall be replaced on an inch-for-inch basis. Determination of actual caliper-inches of trees removed may be determined through a site inspection, aerial photographs (latest available from Bucks County) or on the basis of any tree inventory that was submitted to the Township. If it is not possible to determine the caliper inches of trees removed, then replacement trees shall be provided so that there shall be a minimum of 100 caliper-inches (measured diameter at breast height ([dbh]) of trees per acre after replanting as determined in consultation with an arborist approved by the Township.”

### **Section 6 - H2 Residential Accessory**

Amend Section 404.H2.b (4) to refer to 404. h2 e rather than d.

### **Section 7 - Open Space**

Amend Section 530 to read:

*“All subdivisions and land developments shall meet the open space requirements of this Ordinance. The amount of open space shall be determined in accordance with the provision of sections 501f and 502 of this ordinance....”*

Amend Section 502 Table of Performance Standards to provide *.50 maximum impervious surface ratio for “other permitted uses” in the VC-2 zone.*

### **Section 8 - Rights of Way**

Amend Section 522(3) to require lane lots widths of 56 feet rather than 50 ft.

### **Section 9 - Non-Conformities**

Add new definition at Section 800 to become Section 800.a. Lot Held in Single and Separate Ownership means a lot, the owners of which are not identical with the owners of any lot adjoining to the rear or either side of the lot. Change the designation of the existing definitions to b, c, and d, respectively.

Amend and restate Section 803.a as follows: “The provisions of Section 502 and Article 4 shall not prevent the construction of a single family dwelling in a residential district on any lot that was lawful when created and which, prior to the effective date of this Ordinance, was a Lot Held in Single and Separate Ownership; and provided that: ....” The provisions of subsections 1 through 6 shall remain the same.

**Section 10- Repealer**

Repealer. All provisions of the Milford Township Portion of the Quakertown Area Municipal Zoning Ordinance of 1995, as amended, unaffected by this Ordinance are declared to be in full force and effect. The provisions of the Milford Township Portion of the Quakertown Area Municipal Zoning Ordinance of 1995, as amended, inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

**Section 11 - Severability**

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.

ENACTED and ORDAINED this 2nd day of August, 2005.

ATTEST:

-S-  
Jeffrey A. Vey, Manager

-S-  
Charles Strunk, Chairman

-S-  
Robert B. Mansfield

-S-  
Timothy Damiani