

ORDINANCE NO.

174

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.

C. The Board most recently amended the Zoning Ordinance by the adoption of Ordinance No. 151 on February 19, 2008, establishing an Arterial Mixed Use ("AMU") Overlay District and conditions related thereto.

D. The Board of Supervisors has determined that the Arterial Mixed Use Overlay Zoning Ordinance provisions should be amended as stated herein.

E. 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 April 9, 2019 for their review and comment.

F. In accordance with MPC requirements, notice of a public hearing to consider adoption of this Zoning Ordinance Amendment was duly advertised in Town and Country on April 18, 2019 and April 25, 2019.

G. 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 10609).

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, utility rights-of-way (excepting water and sewer lines, including fire hydrants), 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. Geothermal wells shall be allowed in open space where approved by the Board of Supervisors.

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.

Section 02 - Article VI, Section 661 of the Zoning Ordinance is hereby amended to revise, delete, re-letter, add and restate the following definitions as noted:

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. Words and phrases defined in Article II of the Zoning Ordinance shall have the meaning assign to them therein.

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, memory, Alzheimer's, dementia care, wellness and health recovery 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. All units shall be occupied by persons, who due to disease or an accident related physical or mental condition, are in need of assisted care.

Delete Definition for Commercial Building.

C. 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 2 bedrooms except that 5% of the units in a Congregate Housing development may contain 3 bedrooms. All units must be occupied by at least one person aged 55 or over or by one person who due to disease or an accident related physical condition, is in need of assisted care. 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

D. 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.

E. 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.

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

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

H. Wellness Center and Health Recovery Facility - an establishment overseen by physicians, medical specialists, psychiatrists, drug and alcohol rehabilitation specialists, and/or physical therapists offering services that promote general health, both physical and mental well-being, and help prevent illness. These services may include memory care and research (dementia/Alzheimer's), stress counseling, fitness, personal training, nutrition consulting, medical weight loss, skin care services, acupuncture centers, alternative medicine and inpatient services. Facilities may include gyms, spas, pools, tennis, food service, massage therapy and personal grooming.

Section 03 - Article VI, Section 663 of the Zoning Ordinance is hereby deleted and replaced with the following:

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 apartments.
2. The following uses, as defined at Section 404 of the Zoning Ordinance, subsections A2, A7; B6, C1, C3, C4, C5, C6, C7, C8, C9, C10, C11 (Hospital) 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. Age-Restricted (55 and over) Townhouse - provided however that the number of Townhouse units shall be computed based upon the density permitted in the underlying Zoning District and as allowed in Section 664 C1.
4. Wellness Center and Health Recovery Facility

Section 04 - Article VI, Section 664 of the Zoning Ordinance is hereby deleted and replaced with the following:

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 two (2) 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 under Section 501.

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. **Non-Residential Buildings.** A minimum of 1,000 square feet of floor area of Non-Residential Buildings shall be provided for each Base Site Acre and no more than 4000 square feet of floor area of Non-Residential Buildings shall be permitted for each Base Site Acre. All non-residential buildings shall comply with the architectural standards provided in Ordinance 133, adopted July 19, 2005. The maximum area on one floor permitted for a single Retail Use (i. e. Uses E1, E2, E3, E4, E5, E6, E7, EB, E10, E11, E13, E15, E21 and E22) 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 the AMU 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	2
Age Restricted With No More Than 2 Bedrooms	1	4
Multi-story Apartments With No More Than 2 Bedrooms	1	4
Other Residential Housing types	1	1

2. The following is an example of how the number of permitted Low Impact Dwelling Units is calculated and how the number of square feet of floor area of Non-Residential 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
Age Restricted - 2 Bedrooms	58 X		232
Multi-Story Apartments - 2 Bedrooms	58 X	4=	232
Total	174		696

**Minimum Square Feet of Floor Area of Non-Residential Building
Development Required Under Example**

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

Maximum No. of square Feet of Floor Area Non-Residential Building

Base Site Area	Maximum No. of Sq Ft of Floor Area Per Acre of Base Site Area	Maximum No. of Square Feet of Floor Area of Non- Residential Building Permitted
200 x	4000=	800,000

Section 05 - Article VI, Section 665 of the Zoning Ordinance is hereby deleted and replaced with the following:

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. Notwithstanding any other provision of this Zoning Ordinance to the contrary, no proposed building within an AMU development shall be located closer than 100 feet from the outside boundary of the property directly bordering on residential uses. 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. Subject to the foregoing, proposed single family units on fee simple lots shall follow the allowable setbacks for a 404 86 Use.
4. The maximum height of any building in an AMU shall be 35 feet except that the

height of multi-story apartments, assisted living, Wellness Center and Health Recovery Facility, congregate care buildings, offices, medical offices and hospitals 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 abutting residential uses. 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.
 8. The maximum impervious surface percentage for the site shall be forty-three percent (43%). If the applicant proposes environmental initiatives such as (but not limited to) stormwater management BMP's, solar orientation, solar panels, earth sheltering, and/or geothermal heating and cooling, the Board of Supervisors, in its sole discretion, may increase the maximum allowable impervious surface percentage to forty-five percent (45%).
 9. Woodlands in the AMU may be mitigated beyond the 20% removal permitted subject to the terms and conditions per Township Ordinance 147 as adopted July 17, 2007.
- 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 Non-Residential Building 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,) Non-Residential 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, subject to PennDot approval. Where turning movements are restricted to right-in/right-out only, the plan shall provide a medial separation in the center of the road or other effective design approved by the Board of Supervisors 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-half off-street parking spaces provided for each dwelling unit proposed to be developed as an age restricted independent living dwelling unit. Low impact multi-story apartments shall provide for one and three quarter (1.75) spaces per 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 (may be connected together by enclosed structures)		20 ft
Maximum No. of Dwelling Units per Building		64

4. Multi-Story Apartments:

Minimum lot area (per building)		1 acre
Minimum Separation Between Buildings		30 feet
Maximum No. of Dwelling Units per Building		64
Minimum Parking per Dwelling Unit - Age Restricted Housing		1.50
Minimum Parking per Dwelling Unit - Non-Age Restricted Housing		1.75

5. Single Family Detached Dwelling: Any proposed single family dwelling shall follow the allowable setbacks and minimum lot areas for Section 404 B6 b (1), (2) or (3). Three (3) off-street parking spaces shall be provided for dwellings having three (3) bedrooms or less; four (4) off-street parking spaces shall be provided for dwellings having four (4) bedrooms or more. In addition, one half (1/2) space per lot shall be provided in parking lots not located on the lot. If a garage is to be counted for a parking space, a deed restriction prohibiting conversion to any other use shall be imposed on the lot(s).

6. Except as amended hereby, Non-Residential Building shall comply with the parking requirements of the uses proposed.

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 06 - Article IX, existing Sections 914, 915 and 916 shall be re-numbered to Sections 915, 916 and 917, respectively and a new Section 914 shall be added as follows:

Section 914 Signs in the AMU Overlay Zoning

- a. The following types of permanent signs shall be permitted in the AMU Overlay Zone:
- (1) Each access from an arterial highway at a signalized intersection shall be permitted one (1) freestanding sign on each side of the access road in accordance with the following requirements:
 - (a) The area of any such sign shall not exceed eighty (80) square feet.
 - (b) The maximum height of any such sign shall be twenty (20) feet.
 - (2) Each access from an arterial highway at an unsignalized intersection shall be permitted one (1) freestanding sign in accordance with the following requirements:
 - (a) The area of any such sign shall not exceed forty (40) square feet.
 - (b) The maximum height of any such sign shall be twelve (12) feet.
 - (3) Each lot shall be permitted building signs in accordance with the following requirements:
 - (a) The total area of all building signs shall not exceed ten percent (10%) of the exterior area of the front building wall (including window and door area and cornices) of the principal building.
 - (b) Canopy signs, projecting signs, integral roof signs, marquee signs, wall signs and window signs shall be permitted and counted within the ten percent (10%) limit.
 - (c) Not more than one (1) projecting sign or marquee sign shall be permitted per principal building and such sign shall not exceed thirty-two (32) square feet.
 - (d) Not more than two (2) integral roof signs shall be permitted per principal building.
 - (e) Window signs shall not exceed twenty-five (25) percent of the total window area.
 - (4) Directional Signs shall be approved in a Signage Master Plan considering the following requirements:
 - (a) All directional signs shall be consistent within each section in terms of color and lettering to provide a unified sense of place.
 - (b) Directional signs are permitted at internal intersections allowing up to four (4) square feet for each on-site entity, including only logo and name, with no

commercial messaging. Such directional signs shall be placed in advance of the intersections and not exceed forty (40) square feet.

(c) Individual directional signs (such as Parking, Delivery, Emergency Room, Lobby) shall not exceed two (2) square feet and may include the logo and/or name of the on-site entity to which it pertains.

(5) One American Flag up to 150 sq. ft. for each entrance from an arterial highway that is signalized. Such flags shall not be located directly at the entrance.

(6) The signs permitted by sections (1) and (2) may not be changeable copy signs other than time and temperature.

(7) Such signs shall be non-illuminated, indirectly illuminated or directly illuminated.

b. Temporary signs shall be permitted in accordance with the following requirements:

(1) The maximum area of any such sign shall be twenty (20) square feet.

(2) Free standing signs, banners and window signs shall be permitted, provided that no more than one (1) temporary, freestanding sign shall be permitted on a lot at any one time.

(3) The maximum height of temporary signs shall be 20 feet.

(4) Such signs shall be non-illuminated.

(5) No more than four (4) temporary signs shall be permitted per establishment for any one calendar year and no more than two (2) temporary signs shall be permitted per establishment at any one time.

(6) Such signs shall be removed after fifteen (15) days. However, signs advertising the sale or rental of the premises upon which said sign has been erected shall be permitted until there is an agreement of sale, lease or rental for the property.

Section 07: Repealer. This Ordinance hereby repeals any inconsistent provision in 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 08: 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 09: Effective Date. This Ordinance shall become effective five (5) days after its adoption.

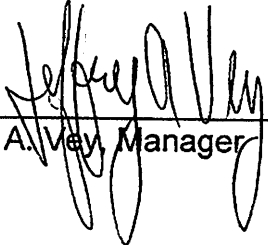
ENACTED and ORDAINED this 7th day of May 2019.

BOARD OF SUPERVISORS
MILFORD TOWNSHIP



Charles Strunk, Chair

ATTEST:



Jeffrey A. Vey, Manager

Robert B. Mansfield, Vice Chair



Thomas Courduff, Member